

UNITED STATES DEPARTMENT OF ENERGY  
PUBLIC HEARING  
WITH ASSISTANT SECRETARY OF ENERGY DR. DAVID MICHAELS

ARVADA CENTER  
Arvada, Colorado

6:30 p.m. to 10:30 p.m.  
Wednesday, December 15, 1999

# I N D E X

KEN KORKIA - Moderator

## PANEL MEMBERS:

DR. DAVID MICHAELS - Assistant Secretary  
for Environmental Health and Safety

CONGRESSMAN MARK UDALL

<u>SPEAKERS:</u>	<u>PAGE NO.</u>
Richard O'Dell	19
George Barrie	20
Terrie Barrie	22
Ron Cantor	24
John Barton	26
Joe Candelaria	27
Beverly Lutz	27
Michael Jackson	28
Larry Hankins	34
Joe Goldhammer	37
Ed Peelman	42
James Kelly	43
Maureen Wolf	45
Judy Padilla	46
Eric Engholm	47
Steve Cloud	51
Alphonso Cardenas	54
Ray Guyer	55
Raymundo Salazar	59

## INDEX (Cont.)

<u>SPEAKERS:</u>	<u>PAGE NO.</u>
Michael Patrick	61
James Horan	69
Jerry Harden	72
Larry Ferris	75
Janet Brown	78/145
Shelby Lane	82
John A. Cash	83
Denny Kirk	84
Ron Horton	86
Dianna Jennings	89
Jerry Jennings	89
Clarence Buchholz	91
Ted Ziegler	95
Janet Torma-Krajewski	98
LeRoy Moore	101
David DePenning	105
Sam Dixion	105
Peggy Guy	107
James Heckbert	112
David Navarro	118
Paula Elofson-Gardine	122

## INDEX (Cont.)

SPEAKERS:PAGE NO.

Ron DiGiorgio	127
Tom Palizzi	129
Richard Rittenberg	132
Orlando Montoya	135
David Martin	139
James Turner	142

1 P R O C E E D I N G S

2 (6:50 p.m.)

3 MR. KORKIA: Good evening, everyone.

4 I would like to welcome you to this public  
5 meeting sponsored by the Department of Energy's Office of  
6 Environment Safety and Health.

7 The purpose of the meeting tonight is to hear  
8 concerns related to workplace illnesses and worker  
9 compensation issues.

10 My name is Ken Korkia, and I will be the  
11 moderator here for this evening. And I work for the Rocky  
12 Flats Citizens Advisory Board as their board staff  
13 coordinator.

14 And we have a long evening ahead of us so we  
15 want to keep all the preliminaries as short as possible.  
16 I'd like first to run through a brief outline of our  
17 agenda tonight. We'll have introductions of the panel  
18 members. Then they'll each have something to say to you,  
19 some brief remarks. Then I will take the meeting back  
20 over and run through some brief ground rules. And then  
21 we'll let you speak, because that's really what we're here  
22 for this evening.

23 So first I'd like to call on Paul Golan who's  
24 the acting manager for the Department of Energy at Rocky  
25 Flats, and he will introduce our panel members.

1                   MR. GOLAN: First, I'd like to thank everybody  
2 for coming out tonight. I see a lot of familiar faces in  
3 the crowd, a lot of folks I haven't seen in a long time.

4                   This is truly a first kind of meeting of this  
5 type that we're having here outside of Rocky Flats, and  
6 I'm going to cut my introduction real short. I think  
7 we're honored with our two guests tonight.

8                   First, I would like to introduce Congressman  
9 Mark Udall who's come here tonight, and Dr. David Michaels  
10 who is the Assistant Secretary for Environmental Health  
11 and Safety.

12                  So without any further ado, I'm going to turn  
13 the table over to Congressman Udall, and then we'll have  
14 some opening remarks by Dr. Michaels.

15                  So thank you very much for coming out and I  
16 hope this is a good, productive meeting. Thanks.

17                  CONGRESSMAN UDALL: Thank you, Paul, and good  
18 evening to all of you. I'd echo what Paul had to say.  
19 I'm going to keep my remarks very short because I'm here  
20 to listen to you all as long as I can.

21                  I should tell you, as a disclaimer, my son has  
22 a basketball game tonight and I've got to be there, so I  
23 hope you'll understand.

24                  But I just want to start out and tell you a  
25 quick story. I was holding a town meeting recently and I

1 was talking about an issue and I was going to think it  
2 through and be very careful about how I voted, and the man  
3 in the back stood up and said, Congressman, let's get one  
4 thing straight, we didn't send you to Washington to think,  
5 we sent you there to represent us.

6                   And I want you to know I am here tonight to  
7 represent you, and I'm representing you in Washington to  
8 the best of my ability. In particular, I'm on two pieces  
9 of legislation, the one that you're going to hear,  
10 specifically, about tonight dealing with berylliosis and  
11 the obligation that we have to make good to all of the  
12 people who kept our country strong in the Cold War,  
13 warriors that you all represent.

14                   I'm also on a piece of legislation that  
15 Congressman Strickland has introduced that would expand  
16 the concept that you're going to hear about from Secretary  
17 Michaels to radiation diseases and other diseases as well.  
18 And I think it's important that we move ahead in those  
19 areas as we gather the information, because some of you  
20 know that there have been effects because of exposure to  
21 radiation, asbestos, and other materials as well.

22                   So know that I'm going to fight for those  
23 pieces of legislation. I think the chances are very good  
24 that we're going to get it done. We've got a broad cross-  
25 section of people on the bill. It's almost as good,

1 frankly, as a Barney Frank/Henry Hyde piece of  
2 legislation, for those of you who followed the impeachment  
3 process last year. They're far apart in the political  
4 spectrum, but if you get both of them on something you can  
5 get it done in the Congress.

6               We have the same thing on these bills. This  
7 is not a partisan issue. This affects every American  
8 regardless of whether you're a Democrat, an Independent, a  
9 Green Party member, a Libertarian, or an Anarchist. And I  
10 want you to know that my commitment is strong.

11              I did want to thank Secretary Richardson who's  
12 been courageous in standing up and saying, you know, we  
13 made a mistake and we're going to make it right and we're  
14 not going to hide behind the fact that people who have  
15 these diseases were involved with contractors and weren't  
16 directly employed by the Federal Government. And I'm  
17 grateful to Secretary Richardson. I know how important  
18 this is to him to continue this fight.

19              So thank you for coming out tonight. I'll  
20 look forward to working with you. My office is in the  
21 Second Congressional District in Westminster. Call us,  
22 let us know how else we can help you.

23              So thank you very much.

24              DR. MICHAELS: Thank you, Congressman.

25              And thank you, Paul.



1                   And let me thank, most of all, you all for  
2 coming here. I know this time of year is a time when  
3 everybody has a lot of obligations and there's a lot of  
4 things we're trying to do with our families, and coming  
5 out and spending the night with us is not the way you  
6 maybe want to spend your evening, but I'm very grateful  
7 for you coming.

8                   As Congressman Udall said, Secretary  
9 Richardson has made a commitment to helping sick workers  
10 throughout the DOE complex.

11                  I started at DOE a year ago. I am an  
12 epidemiologist. I teach at the City University of New  
13 York Medical School. I'm on leave to be Assistant  
14 Secretary for Environment, Safety & Health.

15                  One year ago Secretary Richardson said to me,  
16 Go down to Oak Ridge and listen to the sick workers there  
17 and tell them I want to help them. In the last year I've  
18 gone to numerous places throughout the complex, and I've  
19 heard the same story, that workers in the DOE complex and  
20 the weapons complex have worked with the most dangerous,  
21 the most toxic materials ever invented.

22                  Plutonium certainly is among them. Plutonium  
23 didn't exist a hundred years ago. We know of almost  
24 nothing that compares to plutonium in terms of its danger.  
25 Beryllium, asbestos, mercury, the materials that we use in

1 the DOE complex are hazardous to human health, and it  
2 isn't surprising that people have been made sick because  
3 they were working with those materials.

4                   And that's something that Secretary Richardson  
5 has said that we have to face up to, and we have to  
6 especially remember that workers who worked for DOE  
7 contractors put their lives on the line making America  
8 safe, and if we made them sick we have to take care of  
9 them. And he's made that a major initiative on his part,  
10 and what he's asked me to do is go around the country to  
11 gather more information, and the reason I'm doing that is  
12 we're moving forward and we're trying to put our proposal  
13 together.

14                   In July, the President, President Clinton,  
15 announced two things. One is that the administration is  
16 proposing a bill to compensate workers who were exposed to  
17 beryllium and, therefore, developed beryllium disease or  
18 beryllium sensitivity. And I'll talk a little bit about  
19 that in a few minutes, because there's been some confusion  
20 about what's in the bill.

21                   And that's a legislative proposal.  
22 Congressman Udall, you know, sponsored it the first day it  
23 came out, and we're very hopeful that will pass and that  
24 we'll get some very needed benefits and, I think, some  
25 generous benefits to people with beryllium disease across

1 the complex.

2           The other thing that President Clinton did,  
3 though, in July was he signed a memorandum asking the  
4 entire administration and the White House to answer the  
5 question, one, are there people sick in the Department of  
6 Energy complex who were exposed to things other than  
7 beryllium and that made them sick. In other words, are  
8 there people who have been exposed to radiation and have  
9 radiation-related illnesses or, you know, other chemicals.  
10 Did we cause people to be sick and, if so, are those  
11 people getting adequate compensation in the workers  
12 compensation systems of their states?

13           Because, as you know, everybody is covered by  
14 different state compensation systems. If you live in  
15 Colorado and don't work for the Federal Government but you  
16 work for a contractor, you're covered under State Workers  
17 Compensation. Same is true in Hanford. Their federal  
18 employees are covered under a federal program, but private  
19 sector workers and their contractor's employees are  
20 covered by the State Workers Compensation program.

21           So President Clinton's memorandum said, Find  
22 out if people are sick; if they are sick, are they getting  
23 adequate compensation, and if they're not getting adequate  
24 compensation let's come up with a solution to that  
25 problem. And we have until the end of March to do that.

1           I've been to a series of meetings, this is the  
2 fourth one I've done and, frankly, every one of them has  
3 been an overflow room just like this one. I was in  
4 Paducah, Kentucky, in Portsmouth, Ohio -- actually, in  
5 Pipetown, Ohio. The name of the plant is Portsmouth. And  
6 last week I was in Oak Ridge and there were 500 people at  
7 Oak Ridge, a few hundred people here tonight. This is a  
8 topic of great interest to people who work in our complex  
9 because people are concerned and they have worked with  
10 very dangerous chemicals and they want to tell us their  
11 stories. And I'm here to listen to you.

12           Before we begin, let me talk a little bit  
13 about the beryllium proposal so you have some sense of  
14 what it is. Essentially, what we're saying, what the  
15 Clinton Administration is asking Congress to do, is pass  
16 legislation offering people who worked for DOE contractors  
17 and DOE vendors -- in other words, if the AEC or the DOE  
18 hired a company to do work for it and that involved  
19 exposure to beryllium and you made sick because of that,  
20 we want to offer the same benefits that we'd offer a  
21 federal employee, which are very different than the  
22 benefits you would get in different states, especially in  
23 the state of Colorado.

24           The main difference is the lost wage payments  
25 in the President's proposal, essentially, is based on

1 federal employees. The maximum weekly benefit one can  
2 receive is about \$1,400 a week.

3 By the way, the woman nodding over here is  
4 Kate Kimpan who works for me. She's our workers  
5 compensation expert. Actually, I like to say I wrestled  
6 her away from Governor Ventura. She worked for the  
7 Minnesota State Workers Compensation Board until a few  
8 weeks ago.

9 And what's the maximum in Colorado?

10 MS. KIMPAN: \$519.

11 DR. MICHAELS: \$519. So in other words, it's  
12 almost three times higher than the federal program. So if  
13 you're a fairly high-paid worker at Rocky Flats, if you  
14 are fully disabled the maximum you could get per week is  
15 \$519 in Colorado law.

16 And we don't think that's adequate. That's  
17 based on the state medium wage and, obviously, we pay our  
18 people in the weapons complex much more because they're  
19 highly skilled and they do very dangerous work.

20 There's also first-dollar medical coverage  
21 with the physician of your choice for all your medical  
22 bills related to beryllium disease, and if one is  
23 sensitized to beryllium and can't work in ceratin areas  
24 and has to take a lower paying job, this will pay  
25 virtually all the difference between what your old wages

1 were and your new wages were. And there are a number of  
2 other components as well.

3               It's a generous -- we think it's a good  
4 solution and we think it's a generous solution. It will  
5 require Congress to pass it. Obviously, we're very  
6 hopeful that will happen.

7               There's been some confusion. There's a  
8 \$100,000 lump sum payment, and that's in there,  
9 essentially, because there are a number of workers who  
10 became sick when they were quite old, when they're already  
11 on Medicare and they haven't lost any wage benefits, and  
12 this is, essentially, a payment saying you've been made  
13 sick and even though you haven't lost wages and you may  
14 not even have medical costs because you have health  
15 insurance and Medicare, this is still payment for you.

16              So for most people who become sick with  
17 beryllium disease, in fact, the long-term payments will be  
18 far more than \$100,000, but that \$100,000 is in there to  
19 take care of a small group of people who probably wouldn't  
20 get very much otherwise. There are some other components  
21 that we can talk about, but that's the primary one for  
22 beryllium disease.

23              What I'm here today is to talk less about  
24 beryllium disease, though I'm very eager to hear what you  
25 have to say, but about diseases caused by other

1 conditions, by other exposures. If you've been made sick  
2 or you believe you've been made sick by radiation,  
3 asbestos, carbon tetrachloride, any of the things you  
4 worked with at Rocky Flats, we'd like to hear about that  
5 and we'd like to hear about your experience in the workers  
6 compensation system.

7 I've told Congressman Udall not to worry about  
8 leaving. We have a court reporter here who's taking  
9 careful notes, and this entire meeting will be  
10 transcribed. We'll put that on our Web site. We have a  
11 Web site which has the transcript from our earlier  
12 meetings. We haven't gotten Oak Ridge yet, but the first  
13 two meetings on are there and Oak Ridge will be there in a  
14 couple weeks, and then probably in a month or so this will  
15 be transcribed, entered, and this will all be available.  
16 The report will be available to the press, to Congress, to  
17 the White House. We will take the stories and put them in  
18 our reports.

19 And people's stories are very important in  
20 this. We have a lot of statistics. We've done studies  
21 showing that people have -- you know, we can show higher  
22 rates of cancer at some of our sites, of lung disease, but  
23 statistics are very powerful. People are powerful.

24 I teach public health and I tell my students  
25 in my first lecture that statistics are really people when

1 the tears are washed off. In fact, your stories are the  
2 things that will move this and will convince people that  
3 this has to be done. So we're very eager to hear your  
4 stories.

5 I think the way we set this up -- can you talk  
6 about the ground rules? We don't want anyone to talk for  
7 too long because we have a lot of people who want to  
8 speak, but I'm very grateful you're here and I'm looking  
9 forward to hearing what you have to say, so thank you all.

10 MR. KORKIA: Thank you, Congressman Udall and  
11 Dr. Michaels.

12 We do have a few ground rules this evening  
13 and, first of all, anybody that would like to speak this  
14 evening, this is not a formal public hearing but we are  
15 going to use more of a hearing format. The speakers will  
16 be asked to come to the center table and to address the  
17 panel directly. And so anybody that would like to speak  
18 needs to fill out a blue card, and that was as you came in  
19 at the front table there. So anybody that would like to  
20 speak, please do so, indicate by filling out one of the  
21 cards and they will get that to me.

22 Some consideration will be made to hear from  
23 the -- we'd really like to hear from current and former  
24 workers and their families foremost this evening, and so  
25 there are some people that do have some special health



1 considerations that may prevent them from being here a  
2 long period of time this evening. There are also some  
3 people that have traveled quite a long distance in order  
4 to be here with us this evening, so there's been some  
5 consideration to put them at the front of the meeting.

6               If there's any other persons that have some  
7 special considerations that you would like, tell those to  
8 the people at the front table and we will try to  
9 accommodate you to make sure that you're able to speak  
10 this evening.

11              We do have a commitment. The Arvada Center  
12 does close at 10:00 p.m. and so I do have a stack of 49  
13 cards so far, so if you do the math real quick at five  
14 minutes a person, that's roughly 250 minutes, so that's  
15 about four hours so that's a little bit longer than what  
16 we have available. It's 7:00 now so we do have three  
17 hours for that.

18              So in interest of time, we will be asking  
19 speakers to limit themselves to five minutes, and I do  
20 have some facilitator tools up here to help me make sure  
21 there are the time commitments. When you do come up, I  
22 will set it to five, and there will be a soft ding, and  
23 then if you go over, maybe we'll allow just a little bit  
24 of time, but I have the louder bell. For those of you who  
25 are current or former Toastmaster members, I will not be

1 ringing the bell for any double clutching or saying "uh"  
2 so you don't have to worry about that.

3               We would like to keep a civil discourse here  
4 this evening. This is a very important topic and I know  
5 there's a lot of emotions around it, but we ask for your  
6 respect of all those who are in the audience this evening  
7 and for those members of the panel because they're really  
8 here to listen to what you have to say, and so we want to  
9 make sure that it's done in a very civil and respectful  
10 manner, so I will ask for your forbearance with that to  
11 make sure that we do have a civil meeting this evening.

12              We will have a break scheduled sometime during  
13 the evening. We might have just a quick, seventh-inning  
14 stretch in about an hour, and then we will have more of a  
15 formal break maybe for people for a comfort break in two  
16 hours. So we'll keep a watch on that to make sure we get  
17 the breaks taken care of.

18              Now, I will be calling two people at a time.  
19 The first person that I will call will be asked to come up  
20 to the front table. The second name on the list will be  
21 in the batter's box, so to speak, the next up to speak.  
22 So that's how we'll be doing it this evening.

23              We'd ask you to speak directly into the  
24 microphone because we are trying to amplify you in this  
25 room, and then also for the court reporter to be able to

1 record your comments this evening.

2                   So those are the ground rules. Are there any  
3 questions before we get started?

4                   (No response.)

5                   All right. Thank you. So we'll go ahead and  
6 call our first speaker, and then I'll also give the name,  
7 and please forgive me if I do any mispronunciations. You  
8 can correct me and I will take that graciously.

9                   The first speaker will be Richard O'Dell, and  
10 then the next will be George and Terrie Barrie.

11                   MR. O'DELL: Good evening. My name is Richard  
12 O'Dell. For those of you who have worked at Rocky Flats,  
13 most of you probably know me as Digger.

14                   I've been one of those people who's very  
15 fortunate in that I have worked with an organization that  
16 has allowed me to move around the plant site, from  
17 building to building, yet I've never had to work in the  
18 gloves or work directly with hazardous material or  
19 anything such as that.

20                   My concern tonight that I want to speak to is  
21 the fact that we now have changed the rules for releasing  
22 equipment to the environment. And the problem that we  
23 have is that the rule we changed was very simple. It used  
24 to be that in order to release something from a  
25 contaminated area, you had to prove it was cold. Now we

1 have to prove it's hot. And that's very difficult to do,  
2 and when you consider things like electronics equipment  
3 and so on and so forth, quite often, because of the nature  
4 of the equipment, we release those things to things like  
5 schools and Boy Scouts and other organizations like that,  
6 and I, quite frankly, am very afraid that this equipment  
7 has very small amounts of contamination on it that we  
8 don't know about and, quite often, these organizations  
9 take them apart, they get underneath the chips and  
10 underneath the resistors and capacitors and take the  
11 boards apart and we frankly don't know whether they're  
12 contaminated or not.

13 And I think that's something that DOE needs to  
14 look at because, frankly, it's a DOE rule that's been  
15 changed. Thank you very much.

16 MR. KORKIA: Thank you, Mr. O'Dell.

17 DR. MICHAELS: Thank you, Mr. O'Dell. You  
18 know, I don't feel I need to respond to these, but let me  
19 say, I will pursue that concern. I'm glad you raised  
20 that.

21 MR. KORKIA: Okay, next we have George and  
22 Terrie Barrie. And following them, Ron Cantor will be  
23 ready to come up.

24 MR. BARRIE: Hello. My name is George Barrie,  
25 and I worked as a journeyman machinist at Rocky Flats from

1 '82 and just before EG&G took over.

2                   In November of '82, I got contaminated in the  
3 700 complex. The glove box gasket leaked onto my  
4 coveralls. The sound alarm did not go off and I was going  
5 to the break room and radiation monitors followed my  
6 radiation path.

7                   By then I had already ingested and inhaled  
8 plutonium and americium. I was told to strip down to my  
9 underwear, down to the underwear right there in the  
10 hallway, and was given a body count and submitted fecal  
11 and urine samples two days after the incident. Of course,  
12 the incident report that I received nine months later said  
13 that I only ingested a small amount of plutonium.

14                   I was involved with other accidents that I  
15 have no paperwork for. My radiation records showed that  
16 in May of '85 I had the highest level and they wouldn't  
17 give me any kind of building or where or when it happened,  
18 but it was on my papers.

19                   I began getting sick in '87. I was vomiting  
20 quite frequently, not understanding why. Come to find  
21 out, it was a chronic atrophic gastritis and I had to have  
22 gall bladder surgery, radical gall bladder surgery.

23                   Then I had severe pain for many years, not  
24 knowing why, also. Well, a giant cell tumor decided to  
25 present itself upon me, and I had to have both sesamoid

1 bones removed from my foot.

2                   They thought I was a hypochondriac, and I kind  
3 of started believing that myself. My health continued to  
4 deteriorate and Rocky Flats clinic and Kaiser HMO kept  
5 mis-diagnosing me, so I decided to go ahead and quit there  
6 and moved on to other machining facilities.

7                   In '92 I was diagnosed with -- I'm sorry.  
8 Radical surgery. I'm 44 now and have been diagnosed with  
9 chronic atrophic gastritis, precancerous condition,  
10 proctitis which is also precancerous, diverticulitis which  
11 is also precancerous, chronic arthritis, a brain lesion  
12 that the doctors say is okay, osteoporosis which I thought  
13 only females really had trouble with, chronic  
14 fibromyalgia, and increased fibro markings in my lungs.

15                   I'm having a little problem with this. I'm  
16 sorry.

17                   I just had to have C-6 and C-7 fused in my  
18 neck. And I came here not for me, I came here for all the  
19 people that are going to get sick and, hopefully, they  
20 won't have to go through all the pain that I have to go  
21 through every damn day. It's bad.

22                   And I'm not going to whine to you anymore.  
23 That's all I have. Here is my wife.

24                   MRS. BERRY: During George's first attempt at  
25 collecting his social security disability, his lawyer

1 mildly suggested that he file a workers comp. claim. I  
2 had done some research and found that George's gastritis  
3 condition can be directly related to his ingesting  
4 plutonium. To me, it was simple: George ingested  
5 plutonium, he has a systemic burden of it in his bones,  
6 kidneys and lungs; therefore, he qualified for workers  
7 compensation. We were naive.

8               Five minutes is not enough time to tell you  
9 all that happened during this claim. If we had known it  
10 was policy not to compensate contaminated workers, we  
11 would not have wasted the taxpayers' money or our time.

12              The original claim was for \$2,200. I hate to  
13 think of the thousands of dollars that was spent fighting  
14 this claim on behalf of Rocky Flats and Rockwell  
15 International. We could not get a lawyer because of the  
16 small amount so we did it alone.

17              George's doctor, at first, was behind us, but  
18 as we neared the hearing date he did an about face. Even  
19 though we managed to get Rocky Flats' expert witnesses to  
20 admit under oath that gastritis can be related to  
21 ingesting plutonium, that OSHA warns that ingesting  
22 plutonium is extremely dangerous, it was not enough to  
23 convince the judge. We lost due to a preponderance of  
24 evidence.

25              We have grounds to reopen the claim because

1 Rocky Flats neglected to supply all the materials we  
2 requested. George's medical expenses are much higher now,  
3 but why should we bother since everything's stacked  
4 against us.

5                   And I guess I can stop. There's a whole lot  
6 more. Thank you.

7                   DR. MICHAELS: And thank you. I know you've  
8 come a great distance, also, to tell us this. I'm very  
9 grateful you did that.

10                  MR. KORKIA: Okay, next we have Ron Cantor.  
11                  And following Ron will be John Barton so,  
12 John, if you could come forward, please.

13                  MR. CANTOR: I'm here to discuss lifetime  
14 medical for all workers at Rocky Flats.

15                  Congressman Udall, when your term ends, I  
16 believe you're covered for lifetime medical, and I don't  
17 believe you've worked in the hazards that most of the  
18 people in the plant have. I think you need to take that  
19 back to Washington and discuss that with everyone, let  
20 them know that a four-year term and you're covered; 20  
21 years at the plant, we may lose our coverage.

22                  I don't think that's right. I think everyone  
23 in Washington needs to know that.

24                  Some of the hazards at the plant you were  
25 talking about, we had cyanide up in our plating labs,



1 asbestos, you know, beryllium. We worked in the beryllium  
2 shop without masks, without different clothing. Everybody  
3 says it's safe, it's heavy so it stays down low, well,  
4 that's not true. It's everywhere. You can ingest it.

5 And, you know, we have a lot of problems out  
6 at the plant that DOE doesn't want to address. Hopefully,  
7 Congress, the senators in Washington will look into the  
8 problems that we have.

9 MR. KORKIA: Thank you, Mr. Cantor.

10 DR. MICHAELS: Let me just say, you know, I  
11 spoke to and welcomed the number of steel workers who were  
12 outside picketing. I will certainly bring that message  
13 back to Secretary Richardson and raise it with him when I  
14 see him either Friday or next week.

15 CONGRESSMAN UDALL: If I might add, that  
16 gentleman is exactly right, and that's the whole intent of  
17 what's being proposed, is to give you the same coverage  
18 that other federal employees have had.

19 I made a comment in my initial comments I  
20 wanted to actually amplify or adjust. I said the  
21 Secretary acknowledged that a mistake was made. Well,  
22 what the Secretary was acknowledging was that what's been  
23 going on is wrong. And even the Federal Government  
24 technically had no requirement to right that wrong because  
25 of the law. The Secretary is saying this is a wrong

1 that's significant and we must do something about it.

2 We must do it now. And that's why we're  
3 holding this public meeting and that's why I'm so  
4 supportive of this legislation.

5 I do apologize for a commitment I had, but I  
6 will continue to fight for all of you and I will continue  
7 to represent you to the very best of my ability. Thank  
8 you very much.

9 MR. KORKIA: The next speaker is John Barton.  
10 And John will be followed by Joe Candelaria.  
11 Joe, if you can come forward, please.

12 MR. BARTON: My name is John Barton. I've  
13 been employed out at the Rocky Flats plant going on 18  
14 years.

15 In 1995 I received a letter from EG&G stating  
16 that, We're sorry to tell you the news but in either 1983  
17 or 1984 you received an internal exposure of 2800  
18 millirem, we've assigned it to your dose records and, you  
19 know, sorry about that. Twelve years after the fact I was  
20 told that I got 2.8 rem internal exposure. I now have the  
21 gift that gives every day, you know, the alpha just keeps  
22 giving to my body.

23 So I want health care for my lifetime. I  
24 demand it. I've given good service. I didn't do anything  
25 to deserve this. I don't even know how I got it. They

1 just told me 12 years later. How can I defend myself  
2 against that? Thank you.

3 DR. MICHAELS: Thank you, sir.

4 MR. KORKIA: Thank you.

5 Next will be Joe Candelaria, and followed by  
6 Joe will be Beverly Lutz.

7 MR. CANDELARIA: I'm a little nervous.  
8 Earlier this year I was tested four times for beryllium.  
9 All my tests have come up positive. Two months ago, three  
10 months ago, I had my lungs washed and my biopsy and I'm  
11 still coming up positive. And I'm 42 years old. I've  
12 been on the plant site going on 13 years now. I was  
13 pretty healthy when I went. Got hired on the plant site.  
14 And I'm 42 years old. When the year 2006  
15 comes up and I want to get a job somewhere else and I've  
16 got this chronic beryllium disease, what am I going to do?  
17 This is a real big concern for me. I'm a single parent.

18 I think a lot more people should be tested,  
19 other than me. This was a real shocker for me, and I just  
20 want to let you guys know. That's all I've got to say.

21 DR. MICHAELS: Thank you for coming and  
22 telling us this.

23 MR. KORKIA: Next we have Beverly Lutz or is  
24 it Lutz?

25 MS. LUTZ: Lutz. My name is Beverly Lutz.

1                   MR. KORKIA: Excuse me just one second.

2                   She'll be followed by Michael Jackson. So,  
3 Michael, if you could be ready.

4                   MS. LUTZ: I worked at Rocky Flats from 1960  
5 until 1992. I retired in 1992 at the same time I was  
6 diagnosed with chronic beryllium disease. I worked as a  
7 secretary in a building that processed beryllium.

8                   And my only concern is the fact that I had to  
9 hire an attorney to get DOE to admit liability for workers  
10 comp. and I had to pay for the attorney's fees. I am  
11 being tested every year at National Jewish.

12                  But my concern is for other people that have  
13 to go through this situation with the worker comp. system.  
14 Thank you.

15                  DR. MICHAELS: Thank you. I certainly share  
16 those concerns.

17                  MR. KORKIA: Thank you, Beverly.

18                  Next we'll have Michael Jackson, and Michael  
19 will be followed by Larry Hawkins or Hankins.

20                  MR. JACKSON: Well, since I don't have -- my  
21 name is Michael Jackson. I've worked at Rocky Flats for  
22 the last 21 years. Since I don't have a lot of time to  
23 talk and a lot of things to say, I'll shorten that with  
24 the main message I want to bring to this group today.

25                  And for one thing, I think this is the poorest

1 legislation I've ever seen that can have a name on it that  
2 says it's Energy Employees Beryllium Compensation Act. We  
3 need to expose it for what it is, and what it is is it's a  
4 way to get DOE, their contractors, their vendors, their  
5 suppliers, out of about \$800 million worth of lawsuits and  
6 reduce that liability to \$33 million.

7               Now, as far as these benefits that you want to  
8 give to the workers, these benefits are no more than what  
9 we currently get under Colorado law, under Washington law,  
10 under Tennessee law, under New Mexico law. Any of the  
11 state workers comp. laws will get the same thing as these  
12 are.

13              And as far as the \$550 to \$1,500 a month in  
14 lost wages, you should be honest and tell people that in  
15 order to get that payment you have to prove partial or  
16 total disability. With that you go to the AMA guidelines  
17 for impairment and it's very difficult. In fact, I have  
18 several friends here today who are carrying around oxygen  
19 bottles, one of them who still works at Rocky Flats, and  
20 under the AMA guidelines he would not qualify under that  
21 payment through the AMA guidelines.

22              And that's not something I'm making up; that's  
23 fact. I have all the laws, everything right here. All  
24 people have to do is read them.

25              It's strictly -- you're taking benefits away

1 from you. The message that you're saying loud and clear  
2 to me is that government does not have to be held  
3 accountable for the harm that they've given to their  
4 employees, to the contractor employees. Vendors cannot be  
5 held liable. Suppliers cannot be held liable. Because as  
6 people die, as people get diseases, and everything, you  
7 will pass a law like 3418 which gives them total immunity  
8 for anything they've done in the past.

9                   And that I find repulsive. I think that any  
10 elected official who puts his name on these bills and  
11 passes it with these clauses in here should either resign  
12 or should be voted out of office.

13                   And Section 113 of this needs to go. And some  
14 other things people should say is if even if Section 113  
15 remains in here and we can sue a vendor or supplier, that  
16 we have to turn over all but 5 percent of the money we  
17 receive in that settlement back to the government to pay  
18 our future medical benefits. And that's all in the FICA  
19 regulations. It's easy to read. If anybody wants to see  
20 it, all these blue markers state it quite clearly.

21                   So anyway, you have a chance to correct this.  
22 I'd like to hope that you correct it before March. Right  
23 now, I'm definitely not a supporter of this because you  
24 take benefits away from me by this.

25                   DR. MICHAELS: Let me respond, Mr. Jackson,

1 because I think there's a kernel of truth in what you said  
2 about one of the issues, but the rest, frankly and  
3 unfortunately, you're quite wrong. And I know my office  
4 tried to contact you a number of times this week.

5           The benefit levels that you talk about in  
6 state workers compensation versus federal, there is an  
7 almost three-fold difference. I've worked on workers  
8 compensation issues for and with a number of unions for  
9 about 20 years, and you do not get more than \$500 a week,  
10 \$519 in Colorado, and you can't. There are federal  
11 workers who get \$1,400 a week.

12           The federal system does not use AMA  
13 guidelines. Certain states do. You're simply wrong about  
14 that.

15           MR. JACKSON: You referred to sections of  
16 FICA. FICA refers to the AMA.

17           DR. MICHAELS: Right. But beryllium disease  
18 and the way the definition is written, that won't apply in  
19 terms of disability.

20           MR. JACKSON: Then you need to state that in  
21 this, but you don't.

22           DR. MICHAELS: Well, okay, but if you were  
23 willing to talk to us before this meeting, we would have  
24 explained that.

25           The only issue which I think Michael Jackson

1 has a point on, and it's a real one and worth discussing,  
2 is the question of exclusive remedy. And that's a  
3 question of who can you sue.

4                   And he's right, there are many suits against  
5 the Federal Government. I can promise you, in pulling  
6 this together and searching through the records and asking  
7 me to put this together, the issue of getting the  
8 government out from suits and of paying benefits out in  
9 suits against the Federal Government is not one that  
10 motivated us, in that the Federal Government doesn't lose  
11 these suits. Fortunately or unfortunately, the defense of  
12 sovereign immunity is a very powerful one.

13                   People have been successful in suing vendors  
14 and those suits are quite real. Those suits, if you ask  
15 me whether those suits should go ahead, I think they have  
16 reason to go ahead.

17                   Currently, the Department of Energy  
18 indemnifies the contractors. If you sue Rockwell, for  
19 example, or if you sue Kaiser Hill, you are, in fact,  
20 suing the Department of Energy, and if you try to hold the  
21 contractor liable, you're not; you're holding the  
22 Department of Energy liable. They're the ones who pay for  
23 the costs of those suits.

24                   So if you think suing is a thing that will get  
25 the contractor or the vendor to be more responsible, it



1 isn't if the DOE is the one who pays for all the suits.  
2 If you think, however, that those suits should continue,  
3 that's a legislative issue and you certainly have the  
4 right. That discussion is under way in Washington. We  
5 would love you to participate in whether or not the  
6 ability to sue should go ahead or not. And I think that's  
7 a reasonable discussion to have.

8                   On the issue of benefits, though, I think you  
9 should understand you're, frankly, wrong. And if you want  
10 to discuss it afterwards, we'll show you exactly why  
11 that's the case.

12                  I appreciate, however -- let me say, I think  
13 your work on beryllium disease is very important. Your  
14 Web site is fabulous. In terms of the work you've done  
15 explaining the importance of beryllium disease and why we  
16 should be taking care of people is extraordinary, and  
17 we're very grateful for it.

18                  I think we could show you why this is, in  
19 fact, a much better solution than what is being looked at  
20 before this.

21                  MR. JACKSON: I'll bet you that you can't.

22                  DR. MICHAELS: Well, I'd love to have that  
23 discussion with you.

24                  MR. JACKSON: Okay.

25                  MR. KORKIA: Okay, thank you, Mr. Jackson.

1                   Next we have Larry Hawkins.

2                   MR. HANKINS:   Hankins.   I'm Larry Hankins.

3                   MR. KORKIA:   Excuse me, Larry, just one  
4 second.

5                   Then next up will be Joe Goldhammer.

6                   Okay, go ahead.

7                   MR. HANKINS:   I'm at RCT.   I've been out there  
8 since May 1970.

9                   I started out in the 44 shops, sweeping dust,  
10 trash and stuff in the Be shop off of the floor with a  
11 whisk broom and dust pan.

12                  Approximately 1972 I received a major  
13 inhalation.   I filed numerous safety concerns over  
14 problems in 771, rash and rain problems, voids in tanks  
15 that could cause criticalities.   And those complaints were  
16 also filed with DOE.

17                  In 1992 I was asked to go to the Broomfield  
18 warehouse where I found numerous contaminated items and  
19 some of them from the plutonium area from 771 and from the  
20 fires of 1969 and 1976.   I understand that cost the  
21 government \$10 million to clean it up.

22                  I was told by John Thomas I was a pain in the  
23 ass but a pleasant pain in the ass.

24                  Right after this time, I took my Be test and  
25 showed that I was sensitized, and also I was told there

1 was a shadow on my lung which they thought was asbestos,  
2 and that could probably come from the asbestos falling  
3 down on our faces in 771 in the process area the years I  
4 worked there.

5                   Then Mrs. O'Leary came out approximately 1993  
6 or 1994 because stuff was being dumped all over the plant  
7 site. Well, my supervisor, Maurice Brown, I was ordered  
8 to stay and the temperature was 44 degrees. Now,  
9 understand, I'm a diabetic, I'm on insulin, I require  
10 food, water, insulin near me, and I need a rest room  
11 rather near by because of my blood pressure medicine. I  
12 was ordered to stay in a camping trailer behind the 130  
13 warehouse with no light, electricity, no heat, no water,  
14 no phone, nothing, and it was 44 degrees outside. I was  
15 ordered to do this to keep my mouth shut to Mrs. O'Leary  
16 about people, management, dumping stuff on the plant site  
17 to clean it up to get rid of it. It was illegal and it  
18 was fraud.

19                   I'd like to let you know how people are  
20 getting contaminated, having problems out there. Last  
21 summer I was given an RWP and I was told to go over and  
22 they were going to saw open crates, and they had to cut  
23 the lids off because they thought there was water in them.  
24 Now, this was low-level, radioactive waste from the  
25 pondcrete project.

1                   I looked at the procedure and I looked at the  
2 RWP, and I said, No, this job is wrong. We had three  
3 ladies who were new employees in waste, another gentleman  
4 had been there a couple months.

5                   The foreman over there at the time who worked  
6 for RMS proceeded to take a circular saw and do slash cuts  
7 in the top of this one-handed, disabling the safety guard.  
8 I had major problems with this because he was cutting  
9 through nails and using too small of a saw. I went to my  
10 management about it, rad ops. They said Everything's  
11 fine, do the job, trust us.

12                  Well, we did it twice, for two days, because  
13 they were going to have a RCRA violation if they didn't  
14 get it done in time. And Pete Sauer was the manager over  
15 this. I filed a safety concern, and through the safety  
16 concern process I found out the whole damn job was a total  
17 lie, totally.

18                  I went to Clay Crawford and I had Ken Jenkins,  
19 director of R&R safety, admit there was no procedure.  
20 There was no hazard analysis, there was no safety  
21 analysis, and Mr. Mauser was not trained and qualified to  
22 teach anybody how to do one-handed slash cuts with a  
23 circular saw through plywood and nails. The carpenters  
24 normally take about two years in their apprentice program  
25 before they start making these kinds of cuts.

1                   To this day, Mr. Crawford hasn't gotten back  
2 to me. And something interesting, we talk about getting  
3 hurt and getting contaminants in our body. There was no  
4 Price-Anderson charge filed. There was no rad charges  
5 filed by my management or anybody else. Matter of fact,  
6 my management came and lied to me, and it was admitted  
7 during this meeting, Clay Crawford, yeah, they were told  
8 this, and they told me and assured me the job was safe and  
9 to go ahead and do it. To this day, nothing's been done  
10 about this. The man recently was demoted down to a  
11 technical foreman when he removed a barricade for a  
12 construction company illegally.

13                   These are some of the problems that we have  
14 out there and they continue today. Thank you.

15                   DR. MICHAELS: Thank you, sir.

16                   MR. KORKIA: Thank you, Larry.

17                   The next speaker is Joe Goldhammer, and Joe  
18 will be followed by Ed Peelman.

19                   MR. GOLDHAMMER: Hi. Thank you for allowing  
20 me the opportunity to speak tonight. I am a lawyer and I  
21 am with the law firm that represents the union at Rocky  
22 Flats, Steel Workers Local 8031, and I also have done,  
23 over the years, a tremendous amount of occupational  
24 disease and injury, workers compensation work for the  
25 workers at Rocky Flats.

1                   And I can tell you I am a labor lawyer by  
2 trade and only started doing workers compensation about 13  
3 years ago, but as a labor lawyer I've handled the most  
4 complex labor cases. I'm an ARISA lawyer. I work under  
5 the National Labor Relations Act. I've handled cases in  
6 the United States Supreme Court.

7                   And I can tell you that workers compensation  
8 law, as practiced by the contractors at Rocky Flats, is as  
9 complex and as labyrinthine and as difficult as any cases  
10 I have ever handled in any other field of the law. And  
11 what makes them complicated is the unique schizophrenia  
12 and mental illness that not only afflicts many of the  
13 employees who have these legitimate diseases and are,  
14 therefore, depressed but also afflicts the contractors in  
15 terms of who they hire.

16                  They first hire the best doctors in the world  
17 to treat these diseases, and then they hire the most  
18 litigious doctors in the world to oppose the claims. The  
19 people who, for example, obviously do have beryllium  
20 disease, their benefits are opposed on the grounds that  
21 even though they have the disease their disability isn't  
22 caused by the disease; their disability is caused by heart  
23 disease that nobody else has diagnosed except the expert  
24 witnesses for DOE.

25                  They are confronted -- and, of course,

1 occupational disease law is complicated due to the fact  
2 that it has -- occupational diseases generally have a  
3 gradual onset. And in Colorado we have a legislature that  
4 likes to tinker with the workers compensation statute  
5 every year and likes to make the workers compensation  
6 statute more complicated and less beneficial to workers  
7 about every two or three years.

8               So the questions can come up as to which law  
9 you fall under, when you got the disease. And by that, in  
10 Colorado, that means when you first suffered any  
11 disability, which means when you first missed any time  
12 from work or even were slowed down at work, and that may  
13 be ten years ago so you were covered under the laws that  
14 existed five years or seven years ago, and the top benefit  
15 rate seven years ago was not \$517 a week, or whatever it  
16 was; it was about \$350 a week.

17               And there's litigation over issues like was  
18 there beryllium at Rocky Flats in 1953. Well, you know  
19 that better than we do, and I proved that you did over a  
20 tremendous amount of expert testimony that your  
21 contractors put forth that said that you didn't, and they  
22 opposed the entering into evidence of government reports  
23 that said that you did have it out there.

24               And the only thing that convinced the judge  
25 finally is that I found an old chemist who was about 85

1 years old who came in, just as a stroke of luck, and I'd  
2 rather be lucky than good, and he came in and convinced  
3 the judge that, in fact, he himself handled beryllium in  
4 1952 and 1953 out there.

5               These people who have serious occupational  
6 diseases are in for a lifetime of medical problems, but  
7 those medical problems are only exacerbated by the fact  
8 that they are also in for a lifetime of litigation. I am  
9 representing a beryllium disease patient who is in the  
10 audience tonight, and we won his case before the  
11 administrative law judge, and I received today in the mail  
12 -- he will be happy to know -- the fifth appeal of his  
13 case. And the appeals basically concern depression that  
14 this client has, and he will only get more depressed as  
15 the litigation continues.

16              I, unlike Michael Jackson, don't know the  
17 details of the legislation that you are proposing. I'm  
18 sure that it has some good things in it and I'm sure it  
19 probably has some bad things in it. That's my experience  
20 with all litigation, and we probably ought together to  
21 eliminate the bad things and make it as good as we  
22 possibly can.

23              But I can't imagine a system that is more  
24 deleterious, and that means harmful, to the health of our  
25 workers. What we're doing is simply exposing those



1 workers over and over again to the toxic substance of  
2 litigation after they have been exposed at the workplace  
3 to the various toxic substances that you listed earlier,  
4 Dr. Michaels.

5 And I would be happy to work with any of you  
6 at any time on better litigation and a better system than  
7 we have now -- better legislation.

8 DR. MICHAELS: Thank you.

9 MR. KORKIA: Before our next presenter, I  
10 would like to point out that there are other fact sheets  
11 that were outside as you came in, so you can pick them up  
12 on the tables. There's two important things on there.  
13 One is the Web site where you can get the important  
14 information, the wrap-ups on the meetings; the second is  
15 this toll free number that they have here. This is a  
16 confidential number so you can provide testimony so if  
17 you're not able to speak tonight or you don't want to  
18 speak tonight or you think of something else that you want  
19 to talk about, this number is available and this, again,  
20 is a confidential number so you don't have to worry about  
21 anybody else listening in and you can provide your  
22 testimony, if you'd like to do that.

23 So these are on that table on the outside.

24 The next speaker is Ed Peelman, and Ed will be  
25 followed by James Kelly.

1                   MR. PEELMAN: Hello. My name is Ed Peelman,  
2 and I've been out at the plant for a little over two and a  
3 half years.

4                   And I'm very concerned about all of this.  
5 When I worked out there I thought everything was going to  
6 be peachy and cream, you know, the rest of my life, and it  
7 seemed like that was portrayed, you know, during the years  
8 working out there until the Cold War ended and we shut  
9 down and things started changing.

10                  And I'm very concerned. I've been into  
11 practically everything out there. I started out as a  
12 guard so I walked through all the stuff. I was a  
13 machinist. I machined all the stuff: uranium, carbon,  
14 plutonium, just about everything we have out there.  
15 And, you know, we drank our coffee right by the uranium  
16 that was making sparks and causing fires, and we ate our  
17 lunch right there. In the beryllium we didn't have to  
18 have a respirator. We practically ate and breathed  
19 beryllium.

20                  There was just so many things that changed  
21 over the years. And now, frankly, I guess you can say I  
22 have a little mental anxiety. I'm scared to death of what  
23 the future is going to hold for me, and I think it's a  
24 real feeling that a lot of people share with me. You  
25 know, I'm scared, because I don't know a whole lot about

1 this. I'm just a worker on the floor just like all the  
2 other guys and gals, and I'm very concerned.

3           And my wife, my family, other people's  
4 families, you know, what's going to happen? You know, the  
5 health benefits, for some reason I thought they were just  
6 going to be there and that we'd be taken care of. I  
7 trusted. And then I find out that maybe I shouldn't have  
8 trusted so much and maybe I should have dug in and found  
9 out a little bit more, but at the time it was portrayed as  
10 everything was going to be okay.

11           So I don't want to take any more time up. I  
12 just wanted to let you know that I'm scared to death and  
13 try and do something for us, you know. That's my honest  
14 opinion of it all. That's all.

15           DR. MICHAELS: Thank you for coming.

16           MR. KORKIA: Thank you, Mr. Peelman.

17           The next speaker will be James Kelly, and  
18 James will be followed by Maureen Wolf.

19           MR. KELLY: Good evening and, thanks, Doctor,  
20 for coming to Denver.

21           And nobody could say it better than Joe  
22 Goldhammer just did. I subscribe to everything that he  
23 has said to you tonight.

24           I spent 35 years at Rocky Flats, 23-1/2 years  
25 in Building 771. At the time that I retired I was an

1 International Steel Worker representative which included  
2 Rocky Flats.

3 I can't speak for anybody tonight except those  
4 that might agree with me, but I want to tell you that I  
5 have no objections and I subscribe very much to helping  
6 those workers that have problems with beryllium or any of  
7 the other things, whether they're retired or active, any  
8 help that you can give them.

9 But the other mission that I have is that the  
10 retirees' health care benefits which we were promised,  
11 which we negotiated over the years, which every single  
12 retiree thought when he walked out the door that he had  
13 those benefits for the rest of his life. Most of us  
14 retirees haven't got the time left to go through the  
15 charade that Joe Goldhammer just said, nor do we want to.

16 All we want is what was promised to us, what  
17 is rightfully ours. And, I might add, not until two years  
18 ago did any company raise the issue of taking away or  
19 possibly taking away any benefits from the retirees at  
20 Rocky Flats. Only now. And it's inhumane that our  
21 retirees and those people who put their lives in that  
22 plant should have to worry about their benefits, whether  
23 they got them or not. They do have them. They rightfully  
24 belong to them, and nobody better take them away from us.

25 And for those people still working there,

1 there has to be some attention paid to what they leave  
2 that plant with, whether they leave now, five years from  
3 now, or when the place finally goes down. They also have  
4 to be cared for.

5 And it's no different than buying a house.  
6 There has to be an escrow set up so that these problems  
7 are addressed properly by the United States government so  
8 that they take care of the people that took care of them.  
9 Thank you.

10 DR. MICHAELS: Thank you.

11 MR. KORKIA: Thank you, Mr. Kelly.

12 Do we have Maureen Wolf, the next speaker?  
13 Maureen Wolf. Okay, we'll set the card aside for a  
14 second. Okay, Maureen? Great.

15 And following Maureen will be Judy Padilla.

16 MS. WOLF: Most of you know me as Marie at the  
17 plant, and I worked in Building 771 and many other  
18 buildings. I was a decon worker, and during the time I  
19 was there I had to decon machines in the beryllium shop,  
20 their overheads and everything else that was to be  
21 deconned without a respirator.

22 But nothing was ever said when I had my  
23 examinations, going through the medical department. And  
24 three years ago they told me that I had a shadow on my  
25 lung and it was asbestos, and that's all I heard.

1                   So what do I do from here?

2                   DR. MICHAELS: That's exactly why we want to  
3 document these cases, so we can come up with a solution to  
4 this.

5                   MS. WOLF: Okay. That's about all I have to  
6 say, because I feel I'm pretty lucky at this time that I  
7 can still move around.

8                   DR. MICHAELS: Thank you for coming.

9                   MR. KORKIA: Thank you, Ms. Wolf.

10                  Next we have Judy Padilla and, Judy, following  
11 you will be Eric Engholm.

12                  MS. PADILLA: Hi. My name is Judy Padilla,  
13 and I've worked at Rocky Flats for 17 years. I'm a  
14 radiological control technician.

15                  Eighteen months ago I was diagnosed with  
16 cancer. Subsequently, I had surgery and I had six months  
17 of chemotherapy. And it was good news. My doctor is  
18 saying now that I'm cancer free, but I still live with the  
19 specter that it can come back at any time.

20                  And I don't think that we should just be  
21 concerned with beryllium because we can prove that you've  
22 got beryllium. I can't prove that I got cancer from my  
23 job. There's no way, even though we know that plutonium  
24 is a known carcinogen, that we can prove that we got our  
25 cancer from our work environment.

1                   But I'm lucky that my cancer was caught in the  
2 early stages and that I can walk around and be cancer free  
3 now. But we never know. We're working in a time bomb.

4                   When our plant closes in 2006, I won't be old  
5 enough to retire and where am I going to work with my  
6 medical history, that I've worked in a known plutonium  
7 plant for over 20 years and that I've had cancer?  
8 Nobody's going to want to give me health insurance.

9                   So I think that all of us workers at Rocky  
10 Flats, all of us who have carried the burden and been Cold  
11 War workers, we deserve the respect of having lifetime  
12 health insurance. Not just for me but for every one of  
13 us, every one of us who've had our faces up against the  
14 glove box, who've had our hands and arms inside there  
15 working hands on behind the double doors. We've carried  
16 the burden and I feel that we deserve lifetime health  
17 insurance. Thank you.

18                  DR. MICHAELS: Thank you.

19                  MR. KORKIA: Thank you, Ms. Padilla.

20                  Next we have Eric Engholm, and following Eric  
21 will be Steve Cloud.

22                  MR. ENGHOLM: I worked in the steel mills and  
23 retired in 1975, and between that time and 1979 I worked  
24 welding nuclear materials. I worked at Rocky Flats since  
25 1979. I worked as a welder doing all final welds for all

1 the final assemblies for all the weapons.

2 In 1979 they closed the plant -- I mean, shut  
3 down production, and I went into a salaried job. I worked  
4 as a supervisor one year, and then I switched over to  
5 training and I was responsible for the training and  
6 certification of all the process specialists for all  
7 special nuclear materials in 707 for the last nine years.

8 In March of this year -- well, I'll go back a  
9 second.

10 My concern is that the company, DOE, does not  
11 care about our medical and they don't care about what  
12 happens to us, I don't think.

13 In 1992, they had a major buy-out for  
14 everybody that was eligible but you had to be 50 years  
15 old. I have friends here tonight that had 30 years that  
16 were not eligible.

17 I also know that since 1992 they've had  
18 several layoffs. In 1996 I was affected. On Thursday  
19 they came up to me and told me that the next day I would  
20 be laid off, but they didn't want me to leave my job, they  
21 just wanted me to transfer to LATA as an engineer. So I  
22 said, Well, thank you but I have two trades and I don't  
23 need this place, I'm going to leave, and I will leave  
24 today and I don't hold any hard feelings towards you but  
25 I'm leaving today.



1                   So I left. Two weeks later, after I left the  
2 plant, I received a letter to report to National Jewish.  
3 I do not have a job now and I'm unemployed. My options at  
4 the time of this layoff, I had one day and I had to choose  
5 between being raped, basically, of 60 percent of my  
6 retirement and get my medical or freeze my retirement  
7 until I was 65 and get nothing. I chose, because I maxed  
8 my radiation those ten years as a welder, I maxed my  
9 radiation and, also, since I was the trainer, I was  
10 responsible for training everyone on the projects that  
11 started in 707, so I was always on the floor with the  
12 radiation.

13                   So I didn't feel comfortable leaving. It was  
14 a good choice. Two weeks later I got a letter from the  
15 company: Report to National Jewish for berylliosis. I  
16 reported. They washed my lungs. They did the CAT scan.  
17 And they said, By the way, you have a spot on your kidney,  
18 I'm not responsible for that, I'm hired to take care of  
19 your lungs, see your family physician.

20                   I did. Three weeks later I had cancer of the  
21 kidney. Okay? If I hadn't taken my medical, it would  
22 have bankrupt me.

23                   Now, the company's position was, No, we give  
24 you your medical for one year; the second year you take  
25 half of your medical, you pay half, we pay half; and the

1 third year you pay it all.

2 I was confident that I could get a job, I  
3 didn't have to worry. I went out four jobs every day for  
4 three weeks straight, and no one even called me, and I  
5 have very good qualifications. I'm sure that part of it  
6 was because of my age and part of it was because of Rocky  
7 Flats. I never had a problem with work, ever, in my life,  
8 I've always worked.

9 So they called me back, said, Eric, would you  
10 please come back to work at Rocky Flats, we won't count  
11 your time gone, we wanted you to stay, we need you. I  
12 said, At this point I might. Dr. Newman who was my doctor  
13 at National Jewish told me, Eric, if I were you, I can't  
14 tell you don't weld, but if I were you, I wouldn't weld  
15 anymore.

16 Well, that's 25 years of my trade. Okay, so  
17 I've lost my trade. Now my choice is K-Mart, Wal-Mart.  
18 Where am I going to go? In the first place, who's going  
19 to hire me? So I said, Yes, I'll come back.

20 So then I've trained. I trained for nine  
21 years and I switched back to hourly in March. I lost two  
22 years of my retirement because of being a third tier and  
23 the only reason they even bridged my retirement was  
24 because I fall into the old man's category: I was over 55.  
25 Thank you.

1 DR. MICHAELS: Thank you, sir.

2 MR. KORKIA: Thank you.

3 Okay, next we have Steve Cloud, and following  
4 Steve will be Alphonso Cardenas.

5 MR. CLOUD: My name is Steve Cloud. I've been  
6 out there since 1980, a machinist, through a lot of stuff.

7 In 1988 I went to medical. Being on the cold  
8 side, there shouldn't be any problems. They took a lung X  
9 ray and told me to go see my doctor. Says, You have spots  
10 somewhere, nodules.

11 So I went to my doctor, and they kind of did a  
12 bunch of testing and everything else like this, and about  
13 the same era they were doing beryllium testing, and Jewish  
14 Hospital got a hold of my X ray and wanted to see what the  
15 heck could make my lungs look like that. They were saying  
16 it was as bad or worse than any beryllium burden that  
17 anybody has out there.

18 So I went through the whole beryllium study  
19 and, of course, at the end of it all they said, Well, it's  
20 not beryllium, it's kind of in the last category,  
21 sarcoidosis, which I got told was, We don't know what  
22 caused it but you got it. And it's basically exactly the  
23 same as any beryllium disease, any asbestosis, any of the  
24 -osises. That was in '88, and within a couple years I  
25 couldn't even keep up with my kids.

1                   And it's basically plateaued right now, but I  
2   have a very hard time breathing and everything else. And  
3   the company said, Well, it's not beryllium, it's not  
4   asbestos, see you later, bye, we don't want anything to do  
5   with you, you go to your own doctor, you take care of it.

6                   And I'm here to say that there's a heck of a  
7   lot of people in the buildings that have other diseases  
8   that nobody's kind of touched yet. I know for a fact  
9   there's other people with sarcoid out there to the fact of  
10  being on prednisone to control it.

11                  And it just seems the company kind of doesn't  
12  care much about any other aspect except for the main ones  
13  that are in the limelight right now. They had a committee  
14  for beryllium. A friend of mine was on that beryllium  
15  committee. He had berylliosis, and he kept trying to  
16  shoot the committee, to tell them about the sarcoid people  
17  out there, the leukemia people out there. There's, you  
18  know, endless, probably, amounts of different things.

19                  I'm not a doctor. I don't know what all is  
20  out there, but they do. And, you know, it's kind of bad  
21  to be in a situation where you have no recourse, saying,  
22  Hey, we don't know what caused it so we're not going to  
23  deal with it.

24                  I'm 46 years old. Like you say, the plant's  
25  going to close down. I'm going to be 51, 52 years old.

1 Who's going to hire me to work somewhere else? I have a  
2 kid that's 10 and 14 -- two kids, not "a" -- 10 and 14,  
3 you know, and I can't even keep up with them. And, you  
4 know, it's just something that really needs to be brought  
5 out that we do need medical. There's a lot of other  
6 things out there that need to be looked at, at least in a  
7 way to feel that you're not being thrown off to the side  
8 and saying, Well, we don't have to worry about that, it's  
9 not on our agenda.

10                   And I think if people -- I'm glad to see as  
11 many people as came tonight. There's a lot of people that  
12 probably didn't even know it was going on, but they need  
13 to voice their opinions.

14                   And you were talking there's a Web site. You  
15 can do that. Or a number to do that. And I think  
16 everybody here should tell people back at the plant: Call,  
17 tell your story, tell what's going on. Because we need  
18 the support of everybody.

19                   I'm not sure what else to say, but I  
20 appreciate the time and I hope everybody can come to a  
21 good agreement.

22                   DR. MICHAELS: Thank you, sir.

23                   MR. KORKIA: Thank you, Mr. Cloud.

24                   Next we have Alphonso Cardenas, followed by  
25 Ray Guyer.

1 MR. CARDENAS: My name is Alphonso Cardenas.

2 I was employed at Rocky Flats from 1957 to 1978.

3 And I want everybody else over here to know  
4 that I'm getting \$121.60 a month for retirement that I had  
5 worked 20 years at Rocky Flats for. How many people can  
6 live on \$121? That's a slap in the face.

7 I was diagnosed with chronic beryllium disease  
8 in '93. Before that, I was at Fitzsimons, Denver General,  
9 Colorado General. They thought I had TB. Didn't have a  
10 trace of that.

11 I've had trouble sleeping at night. I have  
12 the sweats. My ankles swell up. And I can't even sleep  
13 with my wife half the time. I'm going to a head shrink  
14 now. He's trying to control what's bugging me now. And I  
15 was even going to commit suicide back in December of last  
16 year.

17 I wish that everybody that was fighting our  
18 cases could take my body into their bodies for 24 hours  
19 and see and feel what I go through every day.

20 I have prostate cancer now, I've got diabetes,  
21 and bleeding of the rectum. I've got all kinds of  
22 problems. I retired in 1978. I was a sheet metal worker.  
23 I worked in every building out at Rocky Flats. I cleaned  
24 up their mess in 1957 in 71 Building. I worked in '76  
25 during that fire.

1                   And this is the payoff I get. The same as the  
2 GI's that fought in Desert Storm that were diagnosed with  
3 their disease. They're getting slapped in the face. Our  
4 government doesn't care about us. All the guys that went  
5 over and fought in the wars that got killed were probably  
6 lucky. We come back to this government that doesn't care  
7 about us.

8                   And that \$100,000 that you people are wanting  
9 to give us is a slap in the face. Our medical is more  
10 than \$100,000, easily. I'm telling you, this is really a  
11 slap in the face, honest to God.

12                  I can't believe that I fought for this  
13 country. I was in the Navy four years, 1951 to '55,  
14 fought for a beautiful country, and I come back to this.  
15 They can't take care of their own, but they can sure help  
16 Russia and all those other countries with billions of  
17 dollars.

18                  Take that to Washington. Tell them to give us  
19 some money now that we're alive, that we can use it.  
20 Thank you.

21                  MR. KORKIA: Thank you, Mr. Cardenas.

22                  Next we have Ray Guyer, and following Ray will  
23 be Raymundo Salazar.

24                  MR. GUYER: Thank you, Dr. Michaels, for  
25 allowing us to come and address our concerns tonight.

1           I gave you a presentation there that I worked  
2 up, stating what my radiation exposure was over the years.  
3 As you can see, I've been given so many different reports  
4 by different people that the numbers mean nothing. I have  
5 somewhere around 30 rem internal deposition and somewhere  
6 over 100 rem external dose.

7           Don't really know. Don't really care. All I  
8 care about is what it's doing to my body. Now, for  
9 years I thought I had -- the symptoms were caused by old  
10 age. That's what they told me at my physicals out at  
11 work. My feet were sore on the bottoms, so sore I  
12 couldn't hardly stand up. It felt like somebody had a  
13 blow torch on them. Didn't have athlete's foot. Don't  
14 know what it was, go see your own doctor.

15           Okay, I went to my own doctor. My doctor  
16 said, Well, Ray, from what you tell me, you need a  
17 toxicology screen run so we can find out what your body  
18 has been exposed to. I said, Well, I've given you my work  
19 history. Yeah, he says, but there's so much stuff on  
20 there that it's overwhelming.

21           Well, it is. I mean, when you read some of  
22 this in here, how we used to work. We had a room in  
23 Building 771 that was called the "snake pit." It had  
24 about eight tanks in it. And back in the '50s and '60s  
25 these tanks always leaked. I mean, valves were not near



1 the quality they are today, so you'd have a tank sitting  
2 there that would be leaking, you'd have to go into that  
3 room to sample another tank, and maybe there'd be that  
4 much liquid on the floor. So you put plastic bags on over  
5 your booties and you'd waller around and go into that.  
6 You'd take your samples and you'd get out.

7           The next day you'd come in and that acid would  
8 be gone. It had gone right on down through the floor.  
9 They say they're not going to clean up under the floors of  
10 those buildings. Are they ever going to get a surprise  
11 when they start getting down into that gravel under those  
12 buildings.

13           But anyhow, we were exposed to so many things  
14 and so toxins: fluorine gas and all sorts of stuff. I  
15 don't know what's caused my medical problems, but I know  
16 that by taking an awful lot of vitamins and some  
17 antibiotics, even though my doctor doesn't agree, I can  
18 now cope with some of it.

19           Now, I know that another undersecretary under  
20 Mr. Richardson said that, well, these symptoms that were  
21 pointed out by Laura Frank of The Tennessean, those are  
22 not really symptoms, that's just coincidence. Powerful  
23 coincidence that a lot of have identical symptoms.  
24 Problems with our esophagus, problems with our legs, feet,  
25 bones.

1                   And any help you can give us. I understand  
2 what Alphonso was talking about. \$100,000 is not going to  
3 help him a hell of a lot with his problems. But some of  
4 us have been luckier. We have not been ravaged as badly  
5 but, still, we have the pain and we have the -- and the  
6 way we operated back in those early days would make these  
7 people out there today roll over. I mean, they wouldn't  
8 know what to think of it.

9                   We'd get a tank full of plutonium nitrate  
10 solution in from Hanford and we'd unscrew the plug out of  
11 the top and stick the dip tube down in the thing and suck  
12 it dry and then pull it out and wipe it off with a chem  
13 wipe, stick it over in the holder, and it would be there  
14 until the next tank came in. And you wouldn't do that  
15 today. You couldn't operate that way. But we did it for  
16 years that way.

17                   And I'm sure there's a lot of guys in this  
18 room that know the ways we operated in the past that they  
19 wouldn't be allowed to operate that way today. But we  
20 were expected and demanded to do it that way then, and  
21 we're paying for that now by our health problems. Okay,  
22 thank you.

23                   MR. KORKIA: Thank you, Mr. Guyer.

24                   DR. MICHAELS: Thank you. I want to take a  
25 minute to repeat a clarification I gave you at the

1 beginning. In the beryllium compensation proposal, the  
2 \$100,000 is only an alternative for people who don't want  
3 lost wage coverage and full medical coverage. It's  
4 envisioned for people who got sick long after they've  
5 retired, who didn't lose any wages, and who didn't have  
6 major medical bills.

7               We expect for most people who are sick with  
8 beryllium disease there are costs and expenses and wage  
9 benefits that will be far more than \$100,000. It's a  
10 mistake to think this is a bill that's offering you  
11 \$100,000 in exchange for all your sickness. It's not that  
12 at all. The \$100,000 is really for a group of people who  
13 probably wouldn't get any benefits otherwise because they  
14 didn't have any out-of-pocket costs.

15              So I thank you for allowing me to make that  
16 clarification.

17              MR. KORKIA: Okay, next we have Raymundo  
18 Salazar, and he will be followed by Michael Patrick. And,  
19 as I promised, then we'll have a quick, seventh-inning  
20 stretch so you can stand up. This will be just a short  
21 break after Mr. Patrick. Thanks.

22              MR. SALAZAR: I've just got a few questions.  
23 I got sick in the sheet metal shop with stainless steel.  
24 I got nickel in my system. I went to three specialists  
25 and all three of them said that I had nickel in my system.

1                   Then the last one, three days after I went to  
2 her, she changed her mind. So I went to the doctor over  
3 here at the Flats, and he said the case was closed, that I  
4 didn't have nothing. And I've been suffering for quite a  
5 few years now and I've got proof right here.

6                   And they took a bunch of pictures, but this is  
7 the only one that they gave me. And it costs a lot of  
8 money to go to the doctors, especially when you're retired  
9 and you only get a little bit.

10                  DR. MICHAELS: And have you applied for  
11 workers compensation?

12                  MR. SALAZAR: I don't get nothing but  
13 retirement.

14                  DR. MICHAELS: You might chat with Mr.  
15 Goldhammer or some of the workers compensation attorneys.

16                  MR. SALAZAR: See, my insurance, every time I  
17 go to a doctor it costs me \$5.00 and then every  
18 prescription costs me \$5.00 more. By the time I get out  
19 of the doctor, it costs me \$20.00. If I go there three  
20 times a week, that's quite a bit of money, and I don't get  
21 that kind of money.

22                  DR. MICHAELS: No, I think it's certainly  
23 worth pursuing. You know, if we can find a better benefit  
24 program for people with occupational illness, they'll  
25 certainly do better. But in the short run, it's probably

1     worth pursuing Colorado State Workers Compensation.

2                   MR. SALAZAR:   I just want help to pay the  
3     doctors anyway.

4                   DR. MICHAELS:   No, I understand.

5                   MR. SALAZAR:   Who do I see?

6                   DR. MICHAELS:   Well, I would actually chat  
7     with someone, perhaps with your union or the attorneys who  
8     represent your union in terms of workers compensation to  
9     see if you could get some workers comp. for that.

10                  MR. SALAZAR:   Okay.   Thank you.

11                  DR. MICHAELS:   Good luck.

12                  MR. KORKIA:    Thank you, Mr. Salazar.

13                  We have Michael Patrick as the next speaker,  
14     and then we'll have just a quick stand-up break for about  
15     three minutes.   So I ask you not to leave the room but  
16     just stay in the room.   And following the break, we'll  
17     have James Horan.

18                  MR. PATRICK:   Good evening, gentlemen.   My  
19     name is Mike Patrick.   I'm a lawyer.   I've worked for  
20     about the last 15 years representing, almost exclusively,  
21     people injured by occupational torts and toxic substances.  
22     Those include more than 300 asbestos individuals,  
23     primarily cancers, and approximately 25 of the ladies and  
24     gentlemen here, many in this room, who have developed  
25     chronic beryllium disease.

1           I'd like to give you the benefit of just a few  
2 minutes of observations about how the system works here in  
3 Colorado. The history of the way that the Department of  
4 Energy, through its subcontractors, has dealt with chronic  
5 beryllium disease, by way of example, is one in which over  
6 the last eight years, give or take, began in a rather  
7 benign sense in which circumstances where an individual  
8 would receive a chronic beryllium disease diagnosis would  
9 be admitted.

10           Then it became that those cases with almost  
11 identical medical circumstances would be contested. For  
12 the next few years you would prepare for hearing, you  
13 would engage the physicians, you would expend the cost of  
14 preparing for hearing, and the day before the hearing,  
15 generally, you would receive a telephone call from the  
16 subcontractor's lawyers, and they would admit. It didn't  
17 help the expenses that you'd already incurred because, as  
18 you know, under Colorado law, injured workers don't get  
19 those back, unlike a civil case in which there are  
20 provisions for court costs and expert fees to be provided  
21 to the prevailing party.

22           The next step came when they started going  
23 through contested hearings, and because chronic beryllium  
24 disease is a complex occupational diagnosis, those  
25 hearings began to take a day and sometimes two and three

1 days. Expert witnesses get paid by the hour. In Colorado  
2 the rate is \$227 an hour. As a maximum, many of the  
3 physicians get paid half of their regular rate when they  
4 take \$227.50. The short answer to that calculation is  
5 that an injured worker can spend anywhere from three- to  
6 five-thousand dollars simply to bring in his treating  
7 physician and prove up an obvious case.

8           The next step came approximately two or two  
9 and a half years ago where each one of those cases began  
10 to be appealed. And now we're going through each one of  
11 those steps. I have two more transcripts that came in  
12 today on appeals for cases in which both the expert to  
13 whom my client was sent and the expert called by the  
14 defendants said it was a chronic beryllium disease case,  
15 and they're still being appealed.

16           So what we have, I think, is a fundamental  
17 problem in the sense that the Department of Energy  
18 apparently has supervisory oversight and the in pocket for  
19 these kinds of situations, but they're letting the  
20 subcontractors run rampant in terms of the way that  
21 they're defending these cases. There's apparently no  
22 supervisory oversight, and the end result is that not only  
23 do the injured workers have the delay that's incumbent in  
24 having their cases proceed to hearing and then on multiple  
25 appeals, but they add insult to injury by costing them

1 anywhere from two- to five-thousand dollars for the  
2 privilege of getting their cases determined compensable  
3 and receiving medical benefits.

4               Now, one of the problems that we have here is  
5 that there's a major concern in the Rocky Flats population  
6 about whether or not they'll have lifetime medical  
7 benefits and, if so, how much they'll cost. Because of  
8 that, I've had to tell my clients that what you're really  
9 buying here is a lifetime insurance policy for chronic  
10 beryllium disease only because we may not have the ability  
11 to get you benefits in the long term under DOE grants or  
12 other kind of funding mechanisms.

13              So they have no choice. They have to spend  
14 the money now or they lose the right to get compensated  
15 for benefits later. And most of these people don't have a  
16 medical safety net that's available in any other place,  
17 and that means that they've really got no option but to  
18 spend the money in order to go through the process, which  
19 would be totally unnecessary if there were a reasonable  
20 evaluation of the chronic beryllium disease diagnosis in  
21 the first place.

22              I've had those same circumstances with  
23 asbestosis cases. Had them with lung cancer cases. I've  
24 had cases of meslethelomia, which I'm sure you're familiar  
25 with. It's caused almost exclusively by asbestos



1 exposure. I've had cases in which the medical records  
2 received from the Rocky Flats medical department told  
3 people with meslethelomia that it was not a work-related  
4 disease.

5 I've had circumstance where people were  
6 exposed to other toxic substances, and in those  
7 circumstances their cases were resolved but with a  
8 requirement that there was a confidentiality provision so  
9 the next person wouldn't know that their similar  
10 circumstance is compensable and related to their work  
11 environment.

12 I'm hoping that as you evaluate the  
13 circumstances now, if you do nothing more from tonight's  
14 evaluation and hear that there needs to be some evaluation  
15 of the supervisory function for cases that are well  
16 diagnosed and obvious, that you'll take that back and  
17 figure out how that works.

18 In the meantime, let me assure you that people  
19 like the clients, for example, that I mentioned with  
20 complete chronic beryllium disease diagnosis are suffering  
21 today because of the delay. One of these gentleman moved  
22 to a place where it was less expensive to live and, as a  
23 result, his group health insurance wouldn't pay for his  
24 supplemental oxygen. Now he's paying \$500 a month in  
25 supplemental oxygen while his appeal is pending for a case

1 in which he is only receiving oxygen for chronic beryllium  
2 disease. That's unreasonable, that's unfair, and it  
3 shouldn't happen to people who have spent their lives  
4 trying to do good for their country.

5 MR. KORKIA: Mr. Patrick, about 30 seconds,  
6 please.

7 MR. PATRICK: Thank you.

8 VOICE IN AUDIENCE: Mr. Chairman, I'd like to  
9 yield my five minutes to the speaker, that I have coming.

10 MR. KORKIA: Okay. Well, we'll give him about  
11 a couple more minutes but we want to keep everybody on  
12 schedule.

13 So if you could please respect that.

14 MR. PATRICK: I will. I appreciate it.

15 The last thing I want to suggest strongly to  
16 you is with lifetime medical benefits, as you well know,  
17 epidemiology, the study of cause and effect, always lags  
18 the disease itself. And what we're seeing here is a  
19 circumstance where many, many of the people in this room  
20 and their friends and their cohorts will never get  
21 compensation for their disease because it hasn't been  
22 scientifically established that that cause and effect  
23 relationship exists today. Those kinds of things trail  
24 the epidemic that happens, and many, many people that are  
25 the canaries in the coal mine are the ones that need the

1 lifetime medical benefits now if for no other reason than  
2 to be able to get treatment for something that has not yet  
3 been determined to be related to their exposures here.

4       If we do nothing with the workers comp. system, that  
5 certainly should be a priority.

6               Finally, I would observe that the process that  
7 we're evaluating for the, essentially, substitution of  
8 federal benefits for state benefits, I would suggest ought  
9 to be done slowly and carefully and with a lot of input  
10 from people who already have familiarity with the state  
11 system, because, in many circumstances, the kinds of  
12 benefits that are available, particularly for severely  
13 injured people who die of disease and their dependent  
14 spouses are greater under state law than they are under  
15 the statute that you're proposing.

16               I have clients that have -- I've got more than  
17 35 individuals who've died of toxic disease-related  
18 conditions, and their spouses in this state have benefits  
19 for life. That can be worth hundreds of thousands of  
20 dollars, potentially. And in circumstances where you  
21 substitute, without understanding exactly what the  
22 circumstances are, new federal benefits for old state  
23 benefits you can actually significantly disadvantage the  
24 people that you're attempting to help.

25               Finally, with the statute that you've

1 provided, it's got what is, essentially, a waiver of  
2 subrogation rights, and in many cases, particularly in  
3 other kinds of toxic torts than beryllium disease, those  
4 claims can be worth, literally, millions of dollars. And  
5 under those circumstances, you've dramatically  
6 disadvantaged the people that you're attempting to help.

7 DR. MICHAELS: I appreciate those comments.  
8 We should work closely with you.

9 One thing, this is always going to be an  
10 election, we will never force anyone into this system. So  
11 if they would do much better under the state system,  
12 obviously, we'd like them to stay there. But we'd also  
13 like to make this the best possible legislation so we'd  
14 like to work with you in identifying those areas.

15 MR. PATRICK: I appreciate that. And the way  
16 that you can make the state system the most viable option  
17 to what you're proposing is to have some element of  
18 supervision by the DOE on subcontractors so it doesn't  
19 cost people money to hire lawyers like me to get benefits  
20 that should be given to them freely and generously.

21 DR. MICHAELS: Rest assured, I will pursue  
22 that. I appreciate you raising that. Thank you.

23 MR. KORKIA: Thank you.

24 I'm going to set the timer for three minutes.  
25 This is our quick break. Remember, we are on Speaker No.

1 20 coming up, and we have about 30 more to go.

2 (Whereupon, a recess was taken.)

3 MR. KORKIA: If everybody would take their  
4 seats and be quiet, I'd like Mr. James Horan, and  
5 following Mr. Horan is Ralph Melito.

6 Mr. Horan, please?

7 MR. HORAN: Hello, Dr. Michaels. Welcome to  
8 Colorado.

9 My name is James Horan. I'm a lifetime  
10 resident of Colorado. My family goes back about 125 years  
11 in Colorado. I'm a former employee of Rocky Flats, a  
12 veteran of almost 32 years.

13 I had three major job types in those years,  
14 two union jobs. The first as a radiation monitoring  
15 health physics, the second as a electrical technician in  
16 maintenance, and research and development work. The third  
17 was a salary job in R&D doing procurement, providing  
18 technical support of sophisticated electronic welding  
19 equipment. In that job, I was nominated for engineer of  
20 the year in 1986.

21 At Rocky Flats, the vast majority of the time  
22 I worked in the worst of the worst. The plutonium,  
23 uranium, beryllium areas resulted in many exposures to  
24 hazardous materials, plus many exposures to asbestos, a  
25 large variety of unknown chemicals, damaging and excessive

1 noise levels, high gamma exposure to a drop of about 60  
2 source, possible exposure to X rays, to electromagnetic  
3 radiation from high voltage, and possible PCBs. In  
4 addition, was the usual radiation exposure associated with  
5 the production of nuclear weapons and many hundreds of  
6 contaminated incidents and accidents such as the 1969 fire  
7 in Building 76 and the removal of plutonium contaminated  
8 drums from 903 pad and the covering of that area.

9           One of these jobs resulted in my souvenir  
10 plutonium in my lungs. Several others resulted in my  
11 exposure to beryllium, and another resulted in a hearing  
12 loss for almost 25 years. These jobs resulted in exposure  
13 of many chemical hazards that I was uninformed about, as  
14 well as the usual radiation exposures of unknown  
15 quantities because of an unreliable record keeping system  
16 at Rocky Flats and the unreliability of management to  
17 inform employees of the true nature of exposure or hazard  
18 involved in the work at Rocky Flats.

19           I was involved with many projects which were  
20 very unique, but all of them included exposure to  
21 hazardous materials, radiations, and sometimes multiple  
22 exposures. A great deal of this exposure I was not aware  
23 of until later in my career and never was made aware of  
24 the possible consequences of these multiple exposures.

25           I left Rocky Flats in 1992. For several years

1 now I've been a committee member of a Former Workers  
2 Advisory Group at Rocky Flats. My experience there has  
3 enhanced my disappointment with the leadership at Rocky  
4 Flats. Funds are available to study and identify some  
5 former workers with illnesses, but no funds are available  
6 for treatment. These former employees are informed by  
7 mail to deal with the consequences all alone.

8               These studies seem to benefit those managing  
9 the study by enhancing their professional careers,  
10 enlarging their frequent flier miles, and protecting the  
11 Department of Energy's backside.

12              You ask what illness to look for; you have to  
13 look for all the illnesses associated with all the hazards  
14 that workers encountered at Rocky Flats. All former  
15 workers must be treated fairly and with respect in all  
16 aspects of employment, including the evaluation and  
17 hassle-free treatment for all illnesses caused by their  
18 employment at Rocky Flats. These employees sacrificed for  
19 the survival of this nation but were sacrificed by the  
20 incompetence, callousness, and greed of their own leaders.

21              If I cannot trust the Department of Energy or  
22 any contractor at Rocky Flats as a 32-year veteran of  
23 Rocky Flats, how can I trust them as a resident living  
24 downwind from this caldron of danger, deception, and lies.  
25 It's time for integrity at Rocky Flats and also in

1 Washington, D.C. Thank you.

2 DR. MICHAELS: Thank you, sir.

3 MR. KORKIA: Thank you, Mr. Horan.

4 Next we have Ralph Melito.

5 VOICE: (inaudible)

6 MR. KORKIA: Okay, Ralph is going to yield his  
7 time to Jerry Harden.

8 Following Mr. Harden will be Larry Ferris.

9 MR. HARDEN: Good evening, Dr. Michaels,  
10 ladies and gentlemen. My name is Jerry Harden. I'm the  
11 president of the United Steel Workers of America, Local  
12 8031, that represents 1,400 hands-on workers at the Rocky  
13 Flats DOE plant site.

14 I have been employed at Rocky Flats for 32  
15 years as a radiation worker and possess a 4 nanocurie  
16 plutonium lung burden.

17 My comments tonight are dedicated to Leroy  
18 Crumbeck, Don Gable, Jim Downing, and John Champer. These  
19 men died prematurely from the radiation exposures that  
20 they incurred as workers at the Rocky Flats plant site.

21 Dr. Michaels, I have no great expectations  
22 about this meeting tonight solving many long-standing  
23 health questions. I would draw your attention to a public  
24 hearing that DOE had this year to consider changes to the  
25 beryllium regulations. Unfortunately, DOE did little with



1 the testimony that we offered before the draft became a  
2 law, which was just last week, I believe.

3 DOE is noted for having public and stakeholder  
4 events that accomplish nothing. The current Secretary of  
5 Energy, in his visits to Denver, has had little time for  
6 the workers or retirees, preferring to be a political  
7 gadfly instead. It appears that the fast bug-boys,  
8 intellects, and corporate attorneys are still dictating  
9 DOE policies. The workers and retirees see no tangible,  
10 much less good faith efforts answer to our needs and  
11 concerns, mostly just lip service.

12 DOE's been very effective in silencing critics  
13 and civic leaders by the liberal use of hush money to fund  
14 their pet projects. Most of the current federal  
15 legislation pending does not even mention Rocky Flats,  
16 much less how to deal fairly with the many different  
17 health effects suffered from working with exotic  
18 materials.

19 DOE, it isn't just beryllium. Our workers  
20 need DOE to guarantee that a reasonable safety envelope is  
21 provided and protected for whatever work remains at the  
22 plant. Amazingly, there is a growing number of Rocky  
23 Flats workers making \$10.00 an hour or less that don't  
24 even have health insurance provided by the contractors.

25 DOE has ignored the many health effects

1 suffered by the workers of Rocky Flats for over 46 years,  
2 fighting both critics and workers suffering with the  
3 health effects with a vengeance. I believe that DOE could  
4 correct some situations immediately. Why doesn't it? Our  
5 members need safe jobs. Many are not desirable to new  
6 employers due to the stigma that is attached to Rocky  
7 Flats.

8                   We need the U.S. Government to also guarantee  
9 that after 2006, or whenever the plant closes, that  
10 medical screening, not more dead-end medical studies,  
11 treatment, a fair compensation plan, plus the bargained  
12 for medical insurance are protected, no matter what. DOE  
13 needs to quit trying to cut its losses at Rocky Flats and  
14 start dealing honestly and fairly with Rocky Flats workers  
15 and the area residents.

16                   Steel Workers Local 8031 is available to  
17 discuss these issues any time, any place.

18                   And by the way, Dr. Michaels, we would also  
19 appreciate a meeting with Secretary Richardson to discuss  
20 these conditions at Rocky Flats eyeball to eyeball. And  
21 with that, thank you.

22                   DR. MICHAELS: Thank you.

23                   MR. KORKIA: Thank you, Mr. Harden.

24                   Next we have Larry Ferris, and following Larry  
25 is Janet Brown.

1                   MR. FERRIS: Good evening. My name is Larry  
2 Ferris. I'm representing Rocky Flats Retiree Pension  
3 Benefits Group, both salary and the hourly group.

4                   Tonight I think, to paraphrase a few things  
5 that opened this meeting, we're really glad to hear from  
6 you and also from the Congressman. In terms of the  
7 retirees, we're the Cold War warriors that helped to win  
8 this battle and maintain our freedom.

9                   But many illnesses do occur after you retire  
10 and are not known today, and you can't file workers comp.  
11 because you're not sure what it was, because you're not  
12 aware of it, you don't know what it is. But those people  
13 are entitled to adequate compensation.

14                  How will this bill cover medical coverage for  
15 those people? What we're here talking about is retirees.  
16 We're talking about medical coverage continuing for the  
17 retirees today. 50 years Rocky Flats has been here since  
18 it started, almost now. We didn't have any changes in  
19 medical benefit coverage. You retired, you maintained  
20 your medical benefits the rest of your life. Okay? It's  
21 been that way forever. That's the way it always was here.

22                  That's what we ask today. This isn't  
23 something that we need or want to do; it's something you  
24 can do.

25                  I've met with Secretary Richardson on this

1 matter. I've met with Assistant Secretary of Environment  
2 on this matter. I've met with your lawyers on this  
3 matter. We have a bill pending about this same matter  
4 that you're talking about next year. Why do we need these  
5 things?

6           The only reason this keeps coming up is Kaiser  
7 Hill. We have an integrating contractor who is determined  
8 to save money, they claim by the direction of DOE, that  
9 mandates they submit changes to the retiree benefit plans.  
10 So DOE, they're saying, they keep saying it's true. I  
11 talked to DOE. They're saying, Well, we don't require  
12 that.

13           We've been doing this game four years now. We  
14 go round and we go round and we go round, and we meet and  
15 we meet and we meet. A year ago October it was Secretary  
16 Richardson. This is a very simple problem, and the  
17 Assistant Secretary of Environment, would you solve this  
18 and get it resolved and give me an answer in four to six  
19 months?

20           Well, that's 14 months ago. We now have  
21 another assistant secretary here this evening. I hope in  
22 some way or fashion you can resolve this problem for us.  
23 It's very critical to the retirees.

24           You've heard a number of retirees tonight: I  
25 don't know what my illness is caused by; I don't have a

1 workman's compensation claim. How are they going to be  
2 compensated? Only guarantee their medical benefits.

3 That's what we ask from you tonight. We don't  
4 think it's something that's out of the question. There's  
5 a number of studies that have been done and it has a  
6 slightly escalating cost over the next eight to nine years  
7 and then it decelerates. After Medicare, it's not covered  
8 that way as well.

9 So it's not a substantial increase. Pull it  
10 out of the DOE budget, fund it separately, turn it over to  
11 a third party, which has been done when they've closed the  
12 plant in other places, get it away from the integrating  
13 contractor.

14 Please, I guess what we're really asking, look  
15 at this one more time. Get this part of this off the  
16 table. Don't associate it with workmen's compensation.  
17 Take care of the retirees. There's 1,700 or 1,800 people  
18 out there, surviving spouses. You heard the gentleman:  
19 \$121 a month. We won't get raises in our pensions. Okay?  
20 And everyone walked out with the belief that medical  
21 insurance would be there the rest of their life.

22 Again, please, you have the wherewithal. I  
23 know you can do it. Help us. Thank you.

24 DR. MICHAELS: Thank you.

25 MR. KORKIA: Thank you, Mr. Ferris.

1                   Next we have Janet Brown, and following Janet  
2 will be Julie Torres.

3                   MS. BROWN: Hello. My name is Janet Brown. I  
4 have been employed by various contractors of the  
5 Department of Energy, ERDA, and the Atomic Energy  
6 Commission since I was 18 years old.

7                   In 1975 I began working at the Idaho National  
8 Engineering Laboratory doing metallurgical and machining  
9 operations work for the AEC nuclear test reactors.  
10 Basically, I was drilling the highly enriched uranium fuel  
11 pellets and beryllium for the fuel rods that later, I  
12 discovered, were used to produce the plutonium that went  
13 to Rocky Flats.

14                  Anyway, 17 years ago, in 1982, I accepted a  
15 position as a machinist with Rockwell International and  
16 relocated to Colorado to work at the Rocky Flats nuclear  
17 weapons plant. Eventually, I was proud to become the  
18 nuclear weapons engineer for the W-88 warhead.

19                  Tragically, as you know, this is the United  
20 States nuclear weapon whose design secrets may have been  
21 compromised to the Chinese in the Los Alamos spy case  
22 currently under investigation.

23                  I am a loyal American citizen who has spent my  
24 entire career dedicated to the attainment of the United  
25 States Government and Department of Energy goals.

1                   I'm 42 years old, and I was diagnosed with  
2   epilepsy at the age of 28 after suffering a grand mal  
3   seizure while driving home from Rocky Flats. Subsequent  
4   medical tests revealed a severe form of epilepsy that has  
5   been unresponsive to every known drug used for control of  
6   epileptic seizures.

7                   This has been extremely baffling to numerous  
8   neurologists specializing in seizure control because there  
9   is no identifiable cause for the onset of these seizures,  
10   such as severe blows to the head or family history of  
11   seizures. After unsuccessfully finding a means to control  
12   my grand mal seizures and complex partial seizures, my  
13   neurologist at Colorado State University seizure clinic  
14   placed me on long-term disability.

15                  In addition to the seizures, I began to  
16   experience severe migraine headaches, significant memory  
17   loss, and excessive exhaustion requiring enormous amounts  
18   of sleep. I inquired about any possible way of correcting  
19   this neurological disfunction in order that I might go  
20   back to leading a normal lifestyle and return to work.  
21   Since all drug therapy had failed, I was informed that the  
22   only possible hope was to undergo brain surgery to remove  
23   the area of my brain where the seizures initiated.

24                  In September of 1996, I underwent the surgery  
25   at University Hospital in Denver. During this delicate

1 surgery, called a right temporal lobectomy, I had an egg-  
2 size portion of the right temporal lobe of my brain  
3 removed. Afterward, the neurosurgeons informed me that I  
4 was literally having hundreds -- I had been having,  
5 literally, hundreds of seizures a day.

6           Also during the surgery they discovered yet  
7 another seizure focus that they cannot understand why I  
8 have. This is inoperable if, quote/unquote, I wish to  
9 remain a walking, talking human being, so I'm stuck with  
10 it.

11           I kept my hopes high that the surgery would  
12 provide some relief from the seizure. My concentration  
13 levels have improved somewhat; however, the seizures have  
14 not. I still take enormous amounts of anti-seizure  
15 medication to try to limit their debilitating effects. I  
16 am not allowed to work or drive an automobile.

17           I did, however, co-found the Rocky Flats  
18 Retired and Disabled Workers Benefit Protection  
19 Organization. In my experiences with this wonderful group  
20 of people, I have made some frightening observations.

21           In addition to the numerous cases of cancer  
22 and berylliosis, there is also an extremely high incidence  
23 of neurological disfunction, as well as a high incidence  
24 of diseases that strike the human anti-autoimmune system.

25           I can say that we worked very hard to aid our



1 country in ending the Cold War. We sacrificed dearly  
2 during the United States' pursuit of peace. Good health  
3 is irreplaceable and cannot be recovered. Therefore, the  
4 legacy of the Cold War will haunt us for the rest of our  
5 days.

6 I am so very proud of the levels of patriotism  
7 exhibited by the Rocky Flats workers and of all of our  
8 contributions in achieving this end to the Cold War. The  
9 Cold War was the lethal and deadly war fought by the  
10 workers in our nation's weapons plants. The production of  
11 those nuclear weapons provided the deterrent necessary to  
12 avoid their use; hence, the protection of both the United  
13 States and Soviet citizens and subsequent end to the Cold  
14 War.

15 As a Rocky Flats employment benefit, we had  
16 always been promised a lifetime of free health care for  
17 ourselves and dependents if we ever became disabled. This  
18 has not happened. Disabled employees are forced to pay  
19 the same costs to retain health insurance as employees  
20 active on the payroll. These costs continue to rise while  
21 our disability pay remains the same. We earned that free  
22 medical care.

23 The Cold War was, again, lethal and deadly,  
24 and we are the Cold War warriors. Please grant us dignity  
25 by recognizing the health sacrifices we unwittingly made

1 on behalf of our country.

2 DR. MICHAELS: Thank you very much.

3 MR. KORKIA: Thank you, Ms. Brown.

4 Next we have Julie Torres, followed by Shelby  
5 Lane. Do we have Ms. Torres here?

6 (No response)

7 MR. KORKIA: Do we have Shelby Lane? We can  
8 go ahead with you, Shelby.

9 MR. LANE: Yeah, my name is Shelby Lane. I've  
10 been a worker out at Rocky Flats since 1969. I've worked  
11 in 71 Building for quite a long time, and 774 waste  
12 treatment.

13 And I have got a lung burden. It isn't as bad  
14 as some of these people that have been speaking, but  
15 nobody knows what the long run is going to be as far as  
16 health-wise. I'm going to be retiring in about another 21  
17 months. I need this health care, and so does everybody  
18 else that works out there, lifetime, take care of us and  
19 stuff.

20 I'm also suffering from what I call "dry box  
21 elbow" from working in these dry boxes for so many years,  
22 and I've got tendinitis pretty bad in both elbows. My  
23 knees are pretty bad from crawling around on concrete  
24 floors chasing stuff you can't see, taste, smell, or touch  
25 without the aid of knee pads or anything else because the

1   salaried people seem to think we didn't want that to get  
2   contaminated, so they did not let us have that kind of  
3   safety precautions, and my knees ache all the time now and  
4   I don't know how long they're going to work out.

5                   And I just seem to think that we'd been led to  
6   believe that we were supposed to have lifetime medical  
7   coverage, but all of a sudden they said, Oh, well, that  
8   only goes from contract to contract. So if we don't have  
9   another contract, we don't have any health benefits  
10  anymore.

11                  And we're not expendable like you seem to  
12  think we are. We're human beings and we shouldn't be  
13  expendable like the government seems to think we are.  
14  If these people up there in Congress and everything else  
15  were expendable, they would probably look at it as a  
16  different picture. That's all I've got to say. Thanks.

17                  DR. MICHAELS: Thank you.

18                  MR. KORKIA: Thank you, Mr. Lane.

19                  Julie Torres?

20                  (No response.)

21                  MR. KORKIA: Okay, I'm going to put Julie's  
22  card aside.

23                  We have next John Cash followed by Denny Kirk.

24                  MR. CASH: Hi, I'm Johnny Cash. I worked out  
25  at Rocky Flats from 1961 to 1991. And don't call me

1 "Sue."

2 I came down here and listened to these people  
3 and hearing what they're suffering with, and I thank the  
4 Lord that at this point I'm not suffering as bad, but you  
5 can never tell.

6 And my only comment to you is to make sure  
7 that we have the benefits and that these people are given  
8 the benefits that they need so much.

9 But not only that, who can live on 121 bucks?  
10 Isn't that right, Cardenas? You can't live on that. Give  
11 them, also, that living wage after they even retired or  
12 had to get away from the plant. That's what we're asking  
13 you to do.

14 I'm asking you to go back and tell that  
15 Congress, tell them you want them to listen to you and  
16 Udall, you've got the record there so make sure he hears  
17 it. I want him to go back and tell them we're tired of  
18 the government sitting and slandering each other. Let's  
19 get down to business and take care of us.

20 DR. MICHAELS: Thank you, sir.

21 MR. KORKIA: Thank you, Mr. Cash.

22 Denny Kirk to be followed by Ron Horton.

23 MR. KIRK: Yes, I'm Denny Kirk, and I've  
24 worked there since 1982. I'm presently in the D&D group,  
25 if you're familiar with them, the deactivation group.

1                   I've been in the D&D group since inception.  
2   It's the best group managed that I've seen so far that  
3   I've worked with personally. Before that, when I started  
4   in 83 Building, no training whatever, really, as far as  
5   rad protection. We used to sit and take breaks on the  
6   ingots. I mean, that's how dumb we were about this stuff.

7                   And we've had a lot of exposure. 18 months  
8   ago I had an inhalation. I've had a lot of problems out  
9   there. And what gets me is I hear you say, We'll take all  
10   this into consideration. If you would know, everybody in  
11   this room here I can look at and we can say we've heard  
12   that a thousand times over the years, and that means  
13   nothing to us, to be honest with you. You know, it just  
14   means nothing to us.

15                  We have to have somebody come in here that has  
16   some real teeth. I want to see President Clinton, I mean,  
17   working with the budget with DOE; right? If you're not  
18   allotted the money, you can't give it to us anyhow;  
19   correct? But it's amazing, like we say, we have money to  
20   give to Mexico when they go into financial duress, we have  
21   money to give to Russia when they go into financial  
22   duress. We have all this money to give to everybody else;  
23   yet here we sit fighting for some meager benefits.

24                  And this just isn't right. It's a travesty  
25   and it's an injustice, and I think that we need to have

1 some people look at this seriously outside of DOE, above  
2 DOE, and take some action on this, because I think, even  
3 though you're trying to do what you believe is right in  
4 your heart -- and I really do believe that -- your hands  
5 are still tied, and I think we need to go outside of DOE  
6 and above DOE and get some other people looking at this  
7 with high media profile.

8 And that's all I have to say. Thank you.

9 DR. MICHAELS: Thank you.

10 MR. KORKIA: Thank you, Mr. Kirk.

11 Next we have Ron Horton. Following Ron will  
12 be Dianna Jennings.

13 MR. HORTON: Dr. Michaels, ladies and  
14 gentlemen, I'm a retiree. I worked at Rocky Flats for  
15 over 35 years.

16 One of my main concerns tonight is our  
17 insurance coverage and retirement benefits. That's for  
18 retirees as well as present workers, because I have a lot  
19 of feelings for them that's still out there.

20 I'm one of the luckier ones. I don't suffer  
21 any ill effects that I know of. I do carry approximately  
22 10 percent body burden. I've been exposed to almost --  
23 probably about everything out there at Rocky Flats at one  
24 time or another. I was checked for Be once. It showed up  
25 positive once. And then on the follow-ups I checked

1 negative.

2                   And I have to tell you, fellahs, that you have  
3 to really be there to understand what we've all went  
4 through, how things happen out there. Everything can be  
5 just quiet one second and the next second a whole room can  
6 be gone, contaminated. We've seen this many times and  
7 time again.

8                   We've had some bad supervisors, I would say,  
9 out there, too, especially in the beryllium area. This  
10 one guy, instead of taking samples back and checking them  
11 like they're supposed to in -- I can't remember the name  
12 of the machine -- but instead of analyzing them, they'd  
13 say, Well, if they're gray, it's contaminated. Make them  
14 scrub it or, you know, clean it up again.

15                  And they got soft on this stuff and for a long  
16 time they'd go through the beryllium without booties and  
17 stuff and, you know, things went on that should not have  
18 been done.

19                  Anyway, I have a little excerpt here from one  
20 of our retirement papers. This was printed in 1997. It  
21 says, "There are now 73 confirmed cases of chronic  
22 beryllium disease and 126 cases of beryllium sensitivity.  
23 As you know, the Rocky Flats plant sent out over 24,000  
24 letters in 1996 announcing that former employees who had  
25 been in contact with or in close proximity to beryllium

1 should arrange to be tested. The funds to perform that  
2 study are decreasing yearly." So, you know, what does  
3 that tell you?

4 I have to submit to you that I think our  
5 country owes it to all the workers of all the weapons  
6 plant, especially here in Colorado because I'm here in  
7 Colorado. All this during the Cold War but part of it  
8 during the times of conflict, too. It started toward the  
9 tail end of World War II, and a lot of World War II  
10 veterans went to work out there, a lot of Korean vets out  
11 there. A lot of Vietnam vets have come out there since.  
12 And now they're offering them a Cold War -- not just them,  
13 but they're offering everybody a Cold War certificate.

14 This is kind of ironic, I think, to honor --  
15 you know, it's good that they can get that honor if they  
16 feel they're entitled to it and want it, but on the other  
17 hand, they cut our benefits, and so what happens to all  
18 the honor and stuff? We fought the Cold War. We fought  
19 the other wars.

20 I have to tell you, fellahs, I hope you go  
21 back to Washington with the thoughts of this group. Thank  
22 you very much.

23 DR. MICHAELS: Sir, I will.

24 MR. KORKIA: Thank you, Mr. Horton.

25 Next we have Dianna Jennings, followed by



1 Floyd Sterkle.

2 MS. JENNINGS: Thank you. My husband, Jerry  
3 Jennings, had two nails penetrate his hand while working  
4 in the glove boxes in 1990. After he left Rocky Flats, no  
5 one has contacted us for follow up for wound count at all.

6 Jerry had to work in another building for  
7 about a half a year because he kept setting the alarms  
8 off. Every time he tried to go back, he'd set the alarms  
9 off. We tried to go home at Christmas and we couldn't get  
10 through the airport alarms because he kept setting the  
11 alarms off at the airport.

12 And no one, no one, has contacted him yet for  
13 follow up on wound count.

14 Like so many others here, we, too, don't know  
15 what the future holds for Jerry's health, and he'd like to  
16 say just a few things.

17 MR. JENNINGS: Thank you, dear.

18 At the time I got contaminated, there were a  
19 number of safety concerns filed, and management chose to  
20 ignore these concerns and they said that the operations  
21 that were being performed in the glove box was being done  
22 in a safe manner and that all the boxes (inaudible) none  
23 of them had nails in them.

24 So I think it was about the third or fourth  
25 day I built a box and I felt a sharp pain go through my

1 right hand, and I lifted my hand up and I had a hole there  
2 so I knew that the nail had gone there and I could see the  
3 blood coming up, so I yelled to a co-worker to get me a  
4 monitor. And to be honest with you, I can't even remember  
5 how long I had my arm in the glove, you know. So finally  
6 a monitor came and he had to help me out and everything,  
7 and I was sent down to medical for surgery and all of  
8 that.

9 But what I'm trying to say here, when somebody  
10 at Rocky Flats is performing a dangerous job and somebody  
11 files a safety concern, all work must and should be  
12 stopped right then and there until you get final approval  
13 by DOE. No work should be continued until we know for  
14 sure that it's done in a safe manner. Thank you.

15 DR. MICHAELS: Thank you.

16 MR. KORKIA: Thank you, Mr. and Mrs. Jennings.

17 Next is Floyd Sterkle. Is Floyd in the room?

18 (No response.)

19 MR. KORKIA: Following Floyd will be Greg  
20 Lightener. Is Greg available?

21 (No response.)

22 MR. KORKIA: Okay, I'll put them aside for a  
23 second.

24 We have Clarence Buchholz.

25 DR. MICHAELS: Let me say, while we're waiting

1 for Mr. Buchholz to come up, for those of you -- I  
2 understand this is a long evening and some people have  
3 traveled some long distances. We're going to go until at  
4 least 10:00, but there is a phone number on our Form, 877-  
5 447-9756, if you do want to tell us your story we'd like  
6 to hear from you. If you don't get a chance to speak  
7 tonight, please call us. Thank you.

8 MR. KORKIA: Okay, before Mr. Buchholz gets  
9 started, Ted Ziegler will be the next speaker, if we don't  
10 have Greg Lightener or Floyd Sterkle. So Ted Ziegler will  
11 be next.

12 MR. BUCHHOLZ: Good evening. My name is  
13 Clarence Buchholz. I'm an elected officer with Local  
14 7031, United Steel Workers. I'm also on the safety  
15 committee for the union.

16 And a lot of the stories you've heard here  
17 tonight are pretty heart wrenching. A lot of these people  
18 are co-workers, they're friends, and I've seen many of  
19 them suffer.

20 Through the years I've seen people being  
21 diagnosed with beryllium disease, and within just a few  
22 short months they can't speak without losing their breath.  
23 And a lot of the times the company, I believe, knew that  
24 the conditions they were working in were harmful to them  
25 but did nothing to correct it.

1           The people out there at the plant worked in  
2 the bowels of the plant. They inhaled the chemicals, the  
3 fumes. They inhaled the heavy metals. And a lot of them  
4 suffer today from that.

5           I believe that DOE and our country has an  
6 obligation to support them in their time of need, and if  
7 the need is health care or health benefits, then that's  
8 what we need. Health surveillance, I believe, is very  
9 limited because it only targets a particular effect like  
10 beryllium or asbestosis or, in some cases, plutonium.  
11 However, the side effects, such as heart disease, kidney  
12 disease, liver disease, that comes with these things,  
13 they're just pushed to the side: Go see your own doctor.  
14 And I think we have an obligation to our workers, and  
15 especially our retirees, to ensure that they have health  
16 care for as long as they need it.

17           Out at Rocky Flats we've seen many changes  
18 since the end of the Cold War. Since the contractor  
19 Kaiser Hill has shown up, we've even seen greater changes.  
20 We've seen the way we even do surveillance out there for  
21 people who may have possible inhalations or change.

22           We used to have labs out there that were  
23 manned by steel workers right there at the plant and we  
24 did turn-around times in a very quick time. That doesn't  
25 happen anymore. The only thing that happens out there is

1 the mouth and nasal. The fecal samples are sent to a lab,  
2 I believe, somewhere back where you're from, Washington,  
3 and the delay is sometimes very great.

4 We had one individual here this last summer  
5 whose results came back at the end of June. He didn't get  
6 the results of his fecal sample until the end of October.  
7 And, of course, this is just an oversight.

8 We had another individual who turned in a  
9 mouth and nasal, and because of the way they do business  
10 there, he waited three weeks instead of the 48 hours that  
11 he should have.

12 We find that a lot of our safety issues out  
13 there are sometimes mocked and ridiculed, and this is done  
14 jointly by both the contractor and DOE out there at the  
15 plant, and we have written proof of that.

16 We find that DOE and the contractor Kaiser  
17 Hill, they talk a lot about safety, but when it comes  
18 right down to implementing safety or being safe, it's just  
19 unheard of. They're quick to start up a new safety  
20 program.

21 I think if we were to take a poll here, we'd  
22 probably come up with 20 of them in the last five years.  
23 They all have different names and cute acronyms. They  
24 come up with cute things like lotteries, bingos, things  
25 like this here. But as far as actually being safe at the

1 plant, which if you don't have safety you're going to wind  
2 up with health effects from what you're dealing with.

3                   The DOE out at the plant and Kaiser Hill, I  
4 believe they're out there, DOE, I can't trust them. I  
5 look at the record for DOE and all you have to do is look  
6 at the two past people who were at DOE, and that being  
7 Hazel O'Leary and Tom Grumbly, and I'm sure if we made a  
8 list we could certainly find that a lot of these people  
9 now work for the contractors themselves. So is DOE really  
10 interested in the workers or are they interested in their  
11 resume going to the contractor?

12                   DR. MICHAELS: Is that more than a rhetorical  
13 question?

14                   MR. BUCHHOLZ: Well, it is a rhetorical  
15 question, yes, it is. No, I think we see it.

16                   DR. MICHAELS: I think Secretary Richardson is  
17 deeply committed to making sure workers are taken care of  
18 and to making sure they have a safe working --

19                   MR. BUCHHOLZ: Hazel O'Leary told us the same  
20 thing. Tom Grumbly told us the same thing.

21                   The problem is, I've been to many of these  
22 events, and I'll call it an event, and I don't see much  
23 happening from them. I see a lot of people show up and  
24 they take a lot of testimony, and then they go away and we  
25 don't hear no more. We hear no more, and then in a few

1 months we'll have another group come in or we'll have a  
2 new Secretary of Energy with a new entourage and we'll  
3 hear the same things again.

4 And in the meantime, our health care is being  
5 compromised, our health is being compromised, and we're  
6 looking for a little relief here.

7 DR. MICHAELS: I understand.

8 MR. BUCHHOLZ: Well, understanding and doing  
9 are two different things.

10 DR. MICHAELS: Well, I'm going to see what I  
11 can do.

12 MR. BUCHHOLZ: Okay. That's all I ask. Thank  
13 you.

14 MR. KORKIA: Thank you, Mr. Buchholz.

15 Ted Ziegler will be our next speaker, followed  
16 by John Barton.

17 MR. ZIEGLER: I would like to address a few  
18 issues here. I am as concerned about anybody's health  
19 problems that may occur from the workplace out at Rocky  
20 Flats.

21 I am a 13-year veteran out there, and I hired  
22 in in 1982 and I was retired in 1995. I was on the safety  
23 committee, on the toxic and hazardous material committee  
24 for several years there working with our hourly and salary  
25 employees.

1                   Current statistics on chronic beryllium  
2 disease at Rocky Flats are 109 CBD cases of current and  
3 former workers and 162 sensitized. And that's current as  
4 of yesterday. Those figures were current yesterday.

5                   I have to back up a lot of comments that I  
6 have heard here tonight, that you could eat the stuff out  
7 at Rocky Flats. I have a picture in here that shows a  
8 six-foot sub sandwich in the beryllium machine in 1979  
9 with the supervisors and the full crew having a Christmas  
10 party. Okay? And I'm a firm believer that if you talk  
11 about it, it isn't as strong as if you show it or you have  
12 a signature. Okay?

13                  I have a documentation here from October 21 of  
14 '93. I initiated several safety concerns. My expertise  
15 was focused on the beryllium issues because that was the  
16 most prevalent disease showing up, but I have concern  
17 about all of the other diseases.

18                  A good example of what I call a brush off at  
19 Rocky Flats was several safety concerns that I addressed  
20 and other employees addressed on smear samples. Okay?  
21 And those smear samples at Rocky Flats, for the most part,  
22 during my duration of 13 years were taken on what I call a  
23 "tidy-Friday level." You mop it up, it's a lower working  
24 level, and then you smear sample it. Looks okay.

25                  I have a current report from industrial



1 hygiene that was expressed to me that there were in excess  
2 of 7,000 smear samples taken at Rocky Flats on plant site,  
3 and out of these 7,000-plus smear samples, zero. Okay?  
4 There was nothing showing up on them. I fail to believe  
5 that. It was a tidy-Friday level because it was expressed  
6 to me that it was a tidy-Friday level, the working level.  
7 We need smear samples taken in the overheads and the off-  
8 norm routes.

9               I would say this is just as much a brush off  
10 to the people today that if you show there was no  
11 contamination when you took these smear samples, who's  
12 going to prove what they were exposed to prior to those  
13 samples? Okay? I would like a before and after and let  
14 these people know that it's of record that they were  
15 exposed to the contamination. Rocky Flats is not the  
16 cleanest square mile on earth, we know that.

17              And I've had support from the DOE on plant  
18 site and medical in respect to divulging information to  
19 me. I go to all the meetings that I can, and I respect  
20 that opportunity to participate in those meetings.

21              We need to really address not only the things  
22 that have happened in the past, we need to address the  
23 things that aren't being done right now and in the future  
24 to establish current records, where these people worked,  
25 and where and what they were exposed to.

1 Right now 7,000 samples indicate to me that  
2 Rocky Flats is a pretty clean environment that these  
3 people are working in. I'm a firm believer that is not  
4 the case. Okay? And I stand by that as I have when I  
5 worked in Rocky Flats, as well as other people. And when  
6 people tell you you were told you could eat it, that's  
7 exactly what you were told. You worked in it. As long as  
8 you walked the blue line with blue shoes, you kept the  
9 other employees safe, you didn't cross over the line, and  
10 beryllium is not something that's on the line, it's in  
11 here. Okay?

12 Thank you very much.

13 MR. KORKIA: Thank you, Mr. Ziegler.

14           We're going to take another break after this  
15 next speaker, so if I have John Barton. Is John here? I  
16 don't see him. Going once, going twice, John Barton.

17 (No response.)

18 MR. KORKIA: How about Dennis Romero?

19 (No response.)

20 MR. KORKIA: Okay, no Dennis Romero.

21                   Here's a good one for me to practice on:  
22 Janet Torma-Krajewski. Okay, then we'll have the break  
23 after Janet speaks. No pressure on you, Janet, or  
24 anything.

25 MS. TORMA-KRAJEWSKI: I am a senior level

1 industrial hygienist, and I have worked for DOE at Rocky  
2 Flats since 1991 and have had extensive experience in  
3 beryllium-related activities until about a year ago.

4 I'd like to make it clear that I'm not here  
5 representing the field office in any capacity, but as a  
6 safety and health professional with over 20 years of  
7 experience. My comments are made from that perspective of  
8 a certified industrial hygienist.

9 I guess I would like, first of all, to applaud  
10 DOE in taking the steps that it is taking to provide  
11 compensation for the workers. It may not be viewed as  
12 perfect by some workers, but I think 15 years after  
13 diagnosing the first case of CBD is long enough to wait  
14 for DOE to take some steps towards compensating the  
15 workers, and I encourage the Department to continue to do  
16 whatever it can to help the workers.

17 But I have a concern that this is just a story  
18 that's going to be repeated over and over again because  
19 the department has failed to work on preventing illnesses  
20 at the DOE sites. While they're providing compensation  
21 now for the injuries and illnesses that have happened in  
22 the past, we also need to concentrate on prevention of  
23 future illnesses.

24 Just for example, if you look at the  
25 contractor industrial hygiene budget at Rocky Flats, it is

1 less than 3 percent of the total safety and health budget  
2 at Rocky Flats. It is the lowest in the DOE complex; yet  
3 we have the highest rate of chronic beryllium disease  
4 within complex.

5               If you look at our safety and health  
6 performance measure, DOE does not require the contractor  
7 to improve its program. It even allows for some detriment  
8 in the program without the contractor losing any fee.

9               DOE has looked at providing oversight of the  
10 contractor. Five years ago if you'd looked at the staff  
11 on DOE for safety and health professionals, we had 17  
12 professionals. Today we have three. Two of those  
13 positions are industrial hygiene positions. Both of them  
14 are included on the latest buy-out list, which would mean  
15 that if we both opted to take the buy-out, DOE would not  
16 have an industrial hygienist on staff, nor would it be  
17 able to fill the positions if it abided by the rules of  
18 the buy-out.

19              Last week DOE published the rule on beryllium  
20 and, again, I think this is a step forward, but DOE can  
21 pass as many rules as it would like unless it changes its  
22 culture so that workers' safety and health is really a top  
23 priority and not just words that DOE says they are a  
24 priority. It needs to walk the talk and just not talk the  
25 talk.

1           A few years ago DOE moved towards having  
2 external regulation. That initiative was dropped by  
3 Secretary Richardson. From my experience within DOE, I  
4 believe DOE does need to have external regulations because  
5 it has not shown that it can -- that it has an effective  
6 accountability system when managers, either DOE or  
7 contractors, do not comply with regulations and provide  
8 the safety and health benefits that are needed to the  
9 workers. Thank you.

10           DR. MICHAELS: Thank you.

11           MR. KORKIA: Thank you.

12           Okay, with this, we'll take a five-minute  
13 break. And the first two speakers after the break will be  
14 LeRoy Moore and Donald Saybeck.

15           (Whereupon, a recess was taken.)

16           MR. KORKIA: Again, LeRoy Moore. There's 14  
17 more speakers that have indicated a preference to speak so  
18 we'll try to get through these. Hopefully, Dr. Michaels  
19 will be here real soon.

20           MR. MOORE: Dr. Michaels, I'm LeRoy Moore.  
21 I'm a consultant with the Rocky Mountain Peace and Justice  
22 Center, and I'm a member of a number of citizens advisory  
23 groups including the Rocky Flats Citizens Advisory Board.

24           It must have been about three years ago that  
25 we had a Citizens Advisory Board meeting that was jammed

1 with retired and disabled workers, and at this meeting we  
2 learned, to our great surprise, that Kaiser Hill,  
3 relatively new on the scene at that time, was in the  
4 process of dismantling the health care benefits of retired  
5 Rocky Flats workers, taking their pensions as well, and  
6 that they were doing the same thing with the disabled  
7 workers. That was about three years ago.

8                   And we learned about it because the workers  
9 showed up in great number at this Citizens Advisory Board,  
10 hoping to get some support from the group. And the  
11 Citizens Advisory Board, by the way, has been told by the  
12 manager of Rocky Flats to lay off of this issue, it's none  
13 of our business.

14                   Some of us happen to think that the health of  
15 the workers is a rather important issue, in fact, for  
16 cleanup of the site, which is the primary advisory role of  
17 the Citizens Advisory Board.

18                   I want to ask you a question. Is this  
19 practice of allowing the contractor to control the health  
20 and retirement health care benefits for retired and  
21 disabled workers, having that in the contractor's contract  
22 with DOE? Is that a common practice all the way across  
23 the DOE complex, or is it just unique to Rocky Flats?

24                   DR. MICHAELS: Sir, I actually don't know the  
25 answer to that. I heard about the issue for the first

1 time today and will be pursuing it quite fervently when I  
2 get back.

3 MR. MOORE: I've asked this question before,  
4 and nobody from DOE seems to know the answer. So I hope  
5 you will find out the answer to that. And if it is the  
6 case that workers at other facilities are facing what  
7 people are facing here, then it's not just a Rocky Flats  
8 problems. If it's just Rocky Flats' problem, then you can  
9 certainly understand why it needs to be corrected for the  
10 people at this site.

11 And I want to ask you a second question.  
12 Would you go away from this time that you're here in  
13 Colorado and make a pledge to the people in this room to  
14 the community and to the Rocky Flats work force, past and  
15 present, would you make a pledge to us that you will  
16 strive to get DOE to make those benefits sacrosanct so  
17 they can't be touched and tampered with by the contractor?  
18 Would you do that for the people in this room?

19 DR. MICHAELS: Sir, I will do that. And I  
20 will raise that with the Secretary.

21 MR. MOORE: Thank you very much.

22 Now, I want to say one other thing. I  
23 mentioned that I'm with the Rocky Flats Peace and Justice  
24 Center, and we're a public interest group here in the  
25 area. We want to work with past and present Rocky Flats

1 workers to explore with them what to do about their health  
2 care and coverage problems beyond this meeting tonight.

3                   And some people have been passing out flyers.  
4 I thought there was probably going to be a bunch of them  
5 left but I think they've already been handed out. We've  
6 been circulating the flyer, asking people if, in fact,  
7 they are interested in having us get in touch with them so  
8 we can work together.

9 I know Jim Kelly was sitting over there. I  
10 think he's gone now. Jim took a big stack of them and I  
11 know he was passing them out to some of his friends, and  
12 he's very, very interested in working with us on this  
13 process.

14           There are also a few people here that happen  
15 to have sign-up sheets. If you didn't get one of these  
16 telling you how to reach us by phone or e-mail, you might  
17 want to get one of those sign-up sheets. I'm going to get  
18 the people that have them just to identify themselves, and  
19 when the meeting is over, look for them. I'll make sure  
20 they're over there by the door. Thank you very much.

21 DR. MICHAELS: Thank you, sir.

22 MR. KORKIA: Thank you, Leroy.

23                   Next we have David DePenning, and Sam Dixon  
24 will be the next speaker.

25 MR. DEPENNING: I'm David DePenning. I've



1 worked out at Rocky Flats for just very nearly 28 years in  
2 engineering and management capacities. I did work some in  
3 plutonium areas, some in beryllium areas.

4 I want to just say today that I'm thankful  
5 that I'm in good health, as far as I know. Hopefully, it  
6 will stay that way.

7 But, again, I just want to second the emphasis  
8 that's been placed on continuing our health benefits. I  
9 understand there's a possibility those could be reduced,  
10 and I'd certainly like to think that they're in place.

11 And I know there are a lot of others that want  
12 to speak now, so I'll just relinquish my time to them.  
13 Thank you.

14 DR. MICHAELS: Thank you.

15 MR. KORKIA: Thank you, Dave.

16 Next we have Sam Dixon. And, Sam, you'll be  
17 followed by Peggy Guy.

18 DR. MICHAELS: I'm told we have about 12 more  
19 people, so we're hoping to try and get everybody in. So  
20 if you can be brief, it will be appreciated.

21 Take your time now. If you've prepared  
22 something, especially for those of you who have prepared  
23 something, please take your time and do it right.

24 MR. DIXION: Hi. I'm Sam Dixon, and I'm  
25 acting mayor of the city of Westminster at the moment.

1                   And I've worked on this subject for the past  
2 ten years so I'm fairly familiar what goes on at Rocky  
3 Flats. And one of the problems that has concerned me is  
4 the fact that retired workers were given the promise of  
5 particular benefits, and then they were changed by the  
6 next contractor. I think that that's probably, in my  
7 book, not very fair. If you make a promise, you should  
8 keep it, and I don't think the government should be any  
9 different than anybody else.

10                   One of the other things that happened was that  
11 one of the Kaiser Hill people, at a public meeting, talked  
12 about the fact that, yes, the technology for the clean up  
13 of the glove boxes, there was new technology there, but  
14 they didn't use it because it would cost a lot of money at  
15 that time and they would wait until they could make some  
16 more money by selling some of the parts.

17                   I think that's unconscionable, and we do know  
18 the name of this person and the meeting he was at. We  
19 think that's unconscionable, that there's a new technology  
20 there and it's not brought in immediately to make them  
21 safer. Many of the accidents that we've had have been had  
22 on those glove boxes.

23                   The other thing is that over the ten years  
24 I've found that I cannot trust the word of DOE. I have  
25 found that the regulators lie and the people from DOE

1 quite often lie, the ones that have to speak to us as a  
2 city. And the problem with that is that I'm supposed to  
3 go out there and ensure our people that what we're doing  
4 in the future will protect them from any future health or  
5 safety hazards. I've found it very difficult to do this  
6 if I found out the people that I'm supposed to take this  
7 word from are lying. And that's a real problem.

8                   And I do not believe that in any manner,  
9 shape, or form this government should get by with doing  
10 this. I know at our local level we don't.

11                   Mahatma Gandhi said there were seven sins of  
12 the world: wealth without work, pleasure without  
13 conscience, knowledge without character, commerce without  
14 morality, worship without sacrifice, politics without  
15 principle -- and I think you can include government --  
16 science without humanity.

17                   And I would like them to think of those  
18 principles.

19                   DR. MICHAELS: Thank you.

20                   MR. KORKIA: Thank you, Sam.

21                   Next we have Peggy Guy, and after Peggy will  
22 be James Heckbert. Is James here? Okay.

23                   MS. GUY: Hi. My name is Peggy Guy, and if I  
24 had been at Oak Ridge last week I would have been there,  
25 but I live in Denver now.

1           I'm here because my mother was one among the  
2 expendable population of Appalachia people who were asked  
3 to join the war effort. My mother responded readily. She  
4 was happy to be a part of making the world safer for  
5 democracy.

6           Following her work during the war at Oak Ridge  
7 at the Y-12 plant, which is currently called "death row"  
8 by the workers who are still at the Y-12 plant, she had a  
9 long history of unexplainable illnesses dating back to her  
10 years at Oak Ridge. Ultimately, she died of a rare  
11 abdominal cancer. It was very slow growing. She survived  
12 several surgeries, miraculously.

13           It was the family that finally found the  
14 doctor who specialized in this disease, and he had treated  
15 300 people with this disease. It's on the National Rare  
16 Disease Register.

17           We took her to Washington, D.C., to Dr. Paul  
18 Sugarbaker at the Washington Hospital Center National  
19 Cancer Institute. While we were there and he was giving  
20 her her final treatments, her final surgery, we visited  
21 with other patients and continued our own research since  
22 there wasn't any research being done on the illness.

23           Several patients that we visited with on the  
24 ward were also, oddly enough, nuclear workers. When we  
25 approached her physician about this, he said, Well, that's

1 just anecdotal evidence. I'm sure that the people in the  
2 crowd are familiar with that.

3 But rather than focus on my mother's illness  
4 that ultimately took her life, I would like to focus on  
5 the response of her government, her co-workers, and her  
6 community.

7 When the government spoke in 1941, my mother  
8 listened and responded. She was thrilled to have a  
9 meaningful role in helping the war effort, to complement  
10 my father's efforts. My father was in North Africa.

11 Years later, after suffering numerous,  
12 unexplainable illnesses, my mother tried to speak to her  
13 government. There was no one to listen to my mother. Her  
14 patriotism was questioned. Her sanity was questioned.  
15 It's familiar for these workers here.

16 The doctors told her that all the unusual  
17 symptoms must be in her head. They told her she must be  
18 depressed, obviously. Her friends, some of her friends,  
19 the healthy ones, even turned their backs on her, calling  
20 her a troublemaker. I'm sure that's happened to some of  
21 the Rocky Flats workers as well.

22 By the time my mother died, she was seriously  
23 questioning the democracy that she gave her life for. If  
24 the government was not listening to my mother, who were  
25 they listening to?

1                   Well, we know they were listening to the  
2 lobbyists for the nuclear industry, an industry that  
3 somehow still has enough profits to pay their shareholders  
4 and to pay exorbitant salaries to their CEOs but not  
5 enough to protect the health and safety of their workers.  
6 A nuclear industry that still makes life difficult for  
7 those whistleblowers who try to alert the company about  
8 health and safety violations. I have documented evidence  
9 if you want to see it. A nuclear industry that harasses  
10 and discredits the work of physicians who know the  
11 relationship between the toxic exposures at nuclear plants  
12 and the illnesses they see in their workers. A nuclear  
13 industry that is heavily subsidized by the taxes of the  
14 very people they are making ill.

15                   Yes, it is hard to maintain your faith in a  
16 government dominated by special interests like those of  
17 the nuclear industry who consistently put profits before  
18 people.

19                   If I could make one request for my mother,  
20 certainly, it would be a coordinated effort on providing  
21 the funding for research to identify nuclear illnesses.  
22 And rather than the divide or conquer tactics employed by  
23 the nuclear industry to preventing workers from finding  
24 out about illnesses around the country which are  
25 consistent at every nuclear facility, we would hope that

1 you would fund research.

2 Identification and adequate training of  
3 physicians and the early identification and treatment. My  
4 mother's doctor in Washington said if he had seen her ten  
5 years earlier he thought he could have saved her life. He  
6 also said that of the 300 patients he had treated, he had  
7 never seen anyone living with the advanced state of  
8 disease that my mother had. It was sheer willpower that  
9 kept her going and fighting and struggling to make these  
10 issues known.

11 There's something wrong when the lawyers who  
12 represent the workers are more knowledgeable than the  
13 physicians that are treating the workers. Maybe some of  
14 these attorneys would consider changing their occupations.

15 Certainly, lifetime compensation for nuclear  
16 veterans.

17 And I just want to say this quote from George  
18 Orwell: "In the time of universal deceit, telling the  
19 truth is a revolutionary act."

20 I tell my students the truth every day, and I  
21 teach 300 eighth graders a year, and they know the truth  
22 about what's happening to our nuclear workers, and they  
23 are outraged. Thank you.

24 DR. MICHAELS: Thank you.

25 MR. KORKIA: Thank you, Ms. Guy.

1                   Next we have James Heckbert, and following  
2 James will be David Navarro.

3                   MR. HECKBERT: I'm glad to see you're still  
4 awake. Appreciate it.

5                   DR. MICHAELS: How could you sleep during  
6 testimony like this?

7                   Let me say, I appreciate all of you who have  
8 stayed this long. I know it's actually easier to sit up  
9 here in some ways than to have to sit in the back. But  
10 thank you all for staying.

11                  MR. HECKBERT: My name is Jim Heckbert, and I  
12 am an attorney who represents approximately -- well, in  
13 excess of 25 Rocky Flats workers who have beryllium lung  
14 disease. I also represent people throughout the United  
15 States that have beryllium disease and, in fact, I only  
16 handle cases of people who have beryllium lung disease.  
17 And, specifically, I'm not a workers compensation lawyer;  
18 I'm a lawyer who sues the beryllium industry.

19                  I have lawsuits against Brush Wellman, used to  
20 be Brush Beryllium Company from Cleveland, Ohio, and who  
21 is currently the only remaining one of the two beryllium  
22 companies who supplied metallic beryllium to Rocky Flats  
23 plant.

24                  And I'm here to talk with you about that  
25 portion of the bill -- and I see a smile on your face



1 because you know what's coming -- and it's that portion  
2 which if these poor people here who have chronic beryllium  
3 disease wish to accept the monies which the Department of  
4 Energy would like to extend because of its concern and  
5 commitment for all the bad things that the government's  
6 done for them, yet the bill insulates the beryllium  
7 industry, who was also a bad actor, from lawsuits and if  
8 these people wish to take either the compensation or the  
9 \$100,000, there's a string attached. And it's not that  
10 the DOE is giving them something and not making them give  
11 something up, but that, in fact, if they take this money,  
12 they give up their right to sue Brush Wellman.

13               Now, I've done nothing but handle beryllium  
14 cases against this company, Brush Wellman, for the last  
15 five years, and that's all I do day in, day out, every day  
16 of the week, usually about 12 to 14 hours a day.

17               And it's interesting -- I'm sorry that my  
18 clients, a lot of them, had to leave because they don't  
19 have the strength to stay up this late at night, but I  
20 think they'd be interested in some of the things I've got  
21 to say, and I'm sure a lot of people and, specifically,  
22 the young lady who just left and I'm certain that the  
23 industrial hygienist over here to my right is also going  
24 to be interested.

25               But in the last five years, very

1 painstakingly, document by document, page by page, witness  
2 by witness, I have uncovered a coverup, and it is a  
3 coverup where the Atomic Energy Commission and ERDA and  
4 DOE and the beryllium industry has known for in excess of  
5 45 years that the airborne beryllium standard which was  
6 intended to protect these people from chronic beryllium  
7 disease was learned by them to be ineffective. That  
8 since, certainly, 1951 and probably earlier the AEC and  
9 ERDA and its successors, Brush Wellman, the Beryllium  
10 Corporation out of Pennsylvania now known as KBI, knew  
11 that the 2 microgram cubic meter standard, which the  
12 workers were told would prevent chronic beryllium disease,  
13 the AEC and the beryllium industry knew that it would not.

14               They lied to these people. They knew that  
15 there were cases developing of chronic beryllium disease  
16 where these workers were exposed substantially below 2  
17 micrograms; yet they manufactured false medical articles,  
18 they manufactured false industrial hygiene practices.  
19 They concealed it, they were deceitful, and they covered  
20 it up.

21               Now, they could have protected these people.  
22 They could have spent the money which would have  
23 implemented industrial hygiene controls that would have  
24 protected them, but they didn't want to spend the money.  
25 They wanted to make more bombs, more missiles, more

1 rockets, and in the process they were going to sacrifice  
2 these people if it meant saving money and if it meant  
3 keeping their secret.

4                   Because if these people that are my clients  
5 and these other people out here who have chronic beryllium  
6 disease knew the real facts, AEC knew they wouldn't go to  
7 work. Of if they would go to work, they'd want more  
8 money. Or they knew that in order to protect them, they  
9 would have to wear, at least, half-mask respirators full  
10 time and that probably wouldn't protect them.

11                   So rather than spend the money, they decided  
12 to sacrifice. Now, the irony here in this whole period of  
13 time that this goes on is that these people like Al  
14 Cardenas and Chapman and Mike Jackson --

15                   DR. MICHAELS: Ignore the bell.

16                   MR. HECKBERT: Okay. These guys and these  
17 people were making bombs for their country to be used  
18 against other countries, where our government was saying  
19 those other countries were doing bad things to their  
20 people and for those reasons we should go to war against  
21 those people.

22                   But, here, what was really happening is their  
23 government was doing bad things to them. And they didn't  
24 know because our government concealed it.

25                   Now, I've heard a lot of your statements and I

1 believe you to be a good person. I've heard nothing but  
2 good things about you. But I have heard these statements  
3 from you on behalf of DOE that we have this very serious  
4 deep commitment that we want to pay these people some  
5 compensation.

6 Well, this deep commitment from DOE only  
7 happened after, as a result of my lawsuits, people learned  
8 about this coverup and this deceit and this bad conduct,  
9 exposed everything in the Toledo Blade over a series of  
10 articles that was brought to national attention. Then and  
11 only then and after two requests for congressional  
12 investigations and a Government Accounting Office  
13 investigation, now DOE says, Gee, we really feel bad.

14 You feel bad, and I don't mean you, I mean DOE  
15 feels bad because you got caught. I caught you, I caught  
16 the government, I caught the beryllium industry hiding  
17 this fact of the true toxicity of beryllium.

18 Now, if you really want to pay these people  
19 compensation and if you really want to own up to the  
20 responsibility, and we hear a lot of about responsibility  
21 these days and people taking responsibility for their  
22 conduct -- I'm not saying it's your conduct but, boy,  
23 there's a long line of guys that go all the way back to  
24 about 1942 and all the way up that were some pretty bad  
25 people. And these people have been sacrificed for that,

1 and so if you want to compensate them, I agree with you  
2 and I think you should do that but don't tie any strings.

3 Don't tell these people that if you take this  
4 money you can't go over and sue Brush Wellman who, in  
5 fact, for 45 years was the partner and the paper said it  
6 was a deadly alliance. It was a partnership between the  
7 government and the beryllium industry, that you wanted  
8 beryllium so bad you were going to do anything it took.

9 And, as a result, I think these people are  
10 entitled to justice, not half justice that you've given  
11 them. They're Americans and they're entitled to it.  
12 Thank you.

13 MR. KORKIA: Thank you, Mr. Heckbert.

14 DR. MICHAELS: Let me say, that's a very  
15 reasonable and well-reasoned opinion. I think the  
16 discussion over the so-called exclusive remedy and the  
17 ability to sue is a very real one and one being debated by  
18 the members of Congress who are sponsoring this bill, such  
19 as Congressman Udall. I suggest at this point, this is  
20 the venue to bring up that discussion because Congress  
21 will debate this.

22 The only thing I can say which I actually  
23 disagree with you on -- there are plenty of things that I  
24 don't know the particular facts about some of the past  
25 issues, but i think mostly what you said is well

1 supported. In fact, this proposal was put together and I  
2 have, certainly, paper proof of that if you like, before  
3 the Toledo Blade's articles or the congressional  
4 investigation. DOE actually does and Secretary Richardson  
5 did come up with this proposal before any of this, before  
6 the press investigations.

7 Which isn't to say that your concerns, though,  
8 aren't real ones and shouldn't be addressed. And I think  
9 we'd like to work with you on that.

10 MR. KORKIA: Next will be David Navarro, and  
11 following David will be Paula Elofson-Gardine.

12 MR. NAVARRO: Welcome, Dr. Michaels.

13 I want to go back to June-July when this was  
14 announced. I, for one, was ecstatic about this  
15 initiative. Secretary Richardson did a great step  
16 forward, and I was quoted as saying that, and I applauded  
17 his courage and conviction.

18 I was greatly disappointed in the Clinton  
19 administration in watering this thing down and putting it  
20 where it's at now to where we've got to do an  
21 investigation to get it back to include all of the  
22 illnesses that it should have in the first place.

23 This is something much larger than just DOE,  
24 and I'm greatly disappointed at our congressional  
25 delegation that was not here tonight because however this

1 turns out it's got to be put into a bill that will be  
2 passed, and there is great bipartisan support but it's a  
3 shame to not have more than Congressman Udall and some  
4 help from Senator Allard on this, and we need to push that  
5 part of it as voters. And if we can't do that, then we  
6 need to get somebody else in who will help support DOE  
7 when we get into the right direction.

8 I want to talk for a minute of my experiences  
9 as an individual. I've been here 29 years. I worked in  
10 virtually every building on site. I started 29 years ago  
11 and I was in the room in 114 and 771 where they had the  
12 Nash pumps and great contamination. We went in there with  
13 plastic rain suits that were taped up, full face  
14 respirator, and that was it. We took a jackhammer to  
15 those three-foot stands the Nash pumps were on, and the  
16 further we went down the more contaminated it got. That  
17 room is sealed now. Next time you visit you have to get  
18 the appropriate preparation so you can get to where the  
19 dirt and the grime is.

20 I appreciate -- I heard today that visits and  
21 tours were trying to steer you down a pre-planned path. I  
22 appreciate the word that you were willing to listen to  
23 some of our folks and go off the path a bit, but next time  
24 you have the opportunity, you need to be full-face fitted  
25 and to get into this contaminated-protected gear so we can

1 really show you some things you need to see.

2 DR. MICHAELS: Let me say, I think I prefer to  
3 take your word for it.

4 MR. NAVARRO: As an individual, back in 771,  
5 it was routine to have green liquid. Most of it had acid  
6 in it that was dripping. It was routine for the gloves  
7 and the glove boxes, on the back side that weren't used  
8 very often, to have holes in them big enough to put your  
9 fist in them. It was routine for the CAMs and the SAMs  
10 that was supposed to protect from airborne not  
11 functioning.

12 In 444 I worked in the beryllium shop. Many  
13 of us maintenance folks worked to support that equipment.  
14 At that time there was no protective gear, none  
15 whatsoever. There are maintenance people, and even  
16 secretaries, that got beryllium as bad, or worse, than the  
17 actual machinists that handled them.

18 I've been exposed to asbestos. I had to fight  
19 real hard to get a CAT scan for that. After I got that, I  
20 had problems with the company not paying the bill for a  
21 year to where it was impacting my credit rating. And  
22 after that, the company hired an attorney and a doctor to  
23 water down and balance out what the folks at Lutheran did.

24 In 444 we also had the foundry. We had a  
25 plating lab with cyanide. We often had times when supply



1 fans went out there.

2           The reason why I bring up 444 is that is  
3 deemed a cold building. Right now, the cold buildings  
4 outside the area have kind of been moth-balled, and  
5 there's a real danger there that those, quote/unquote,  
6 cold buildings are going to create some of the greatest  
7 hazards. And I understand about reducing the mortgage, I  
8 understand the logic there, but we need to address all the  
9 risk at that site.

10           As a plant power lineman, I was instructed to  
11 wash electrical switch gear in five-gallon buckets freon,  
12 and I did a 12-hour shift of that. No protective gloves.  
13 My fingertips were split through all layers of skin. I  
14 went up to medical and they said, What are you doing: I  
15 said, I'm doing what I was instructed to do.

16           As a plant power lineman, brother Jim Turner,  
17 who's here, and I cleaned up PCB spills without any  
18 protective equipment whatsoever.

19           So as I understand the focus of this tour,  
20 it's to get enough testimony to encourage those powers to  
21 be to include more than just beryllium. And I can go on  
22 and on and on. I'm not going to do that as an individual.  
23 I think you're going to hear enough of that.

24           I believe there's a moral imperative to  
25 provide a comprehensive program for all these workers. I

1 believe there's an ethical imperative. I believe that  
2 after you sort through all the testimony, there's going to  
3 be a legal imperative.

4 And we're not dealing with a bankrupt company.  
5 We're still running 660-, 670-million per year at Rocky  
6 Flats. And if it takes 50 million or 100 million or  
7 whatever it takes out of Kaiser Hill's corporate profits  
8 to make that happen, then so be it. Our workers deserve  
9 the care and we want it. Thank you very much.

10 DR. MICHAELS: Thank you.

11 MR. KORKIA: Thank you, David.

12 Our next speaker is Paula Elofson-Gardine, and  
13 following Paula is Ron DiGiorgia. Is Ron here? Okay.

14 MS. ELOFSON-GARDINE: My name is Paula  
15 Elofson-Gardine. I'm the executive director of  
16 Environmental Information Network.

17 I have a couple of issues I wanted to address  
18 with you, and there's several people that were not able to  
19 come tonight that asked me to bring messages from them,  
20 one of whom was Dr. Harvey Nichols who did soil studies  
21 and organic particulate transport studies around Rocky  
22 Flats.

23 He said he's still very concerned about the  
24 lack of peer review, the lack of openness, the wind-blown  
25 resuspension of particles out there that are exposing

1 workers and public, that the clean-up standards are  
2 grossly inadequate, and that he feels that there's a need  
3 for some solid epidemiological studies that are not done by  
4 lackeys of contractors that are covering up, and that a  
5 lot of the exposures have been due to inadequate controls  
6 and sampling, and that there is a phenomenon of soil-  
7 freezing conditions out there that create little ice  
8 spicules that brings the plutonium up and then it's spread  
9 through the winds, and it's very much not discussed at  
10 all. And he would really like to see some further  
11 investigation of migration and continued redistribution of  
12 these materials. And that's from Dr. Nichols.

13               Now, my issues. We became involved in this  
14 issue in the mid '80s. My sister, Susan Hearst, was first  
15 introduced to this issue because of their construction  
16 company being approached to do re-roofing of the plutonium  
17 compound at Rocky Flats, and when she asked what their  
18 employees might be exposed to for insurance purposes, they  
19 were told that DOE could not tell them that because of  
20 national security.

21               After she had EPA investigate, they came back  
22 and told them that they would have their crews have a  
23 three-day training to learn how to get into and out of  
24 clean suits for the job. And when she asked about where  
25 the roof rot would go, they said, Take it to the county

1 landfill. And when she asked about their equipment, they  
2 said, Don't worry about it, it will be fine, even though  
3 it would go back to the home yard.

4               So she smelled a rat and they did not do the  
5 job. And what she found out later was even more shocking  
6 because she found out about the hundreds of fires and  
7 accidents that have occurred out there and how the  
8 employees had been lied to and sacrificed, as much as the  
9 communities have here.

10              And what was even more shocking was when she  
11 realized that what has happened to our family and our  
12 neighbors, people that we went to school with is very much  
13 attributable to the releases from Rocky Flats and the  
14 conditions out there.

15              We could drive through the community and tick  
16 off on all of our hands, toes, and every other appendage  
17 you can think of how many people that we know through our  
18 schools, high school reunions, that their parents have  
19 died of multiple cancers. That we saw huge plumes of  
20 smoke coming out of Rocky Flats from the major fires that  
21 hung over the city, Northwest Arvada, Leyden, Golden, and  
22 their consequences to that. And we have workers that are  
23 part of the community, and there are residents that are  
24 not workers that are also affected by this.

25              Our father, he applied for employment at Rocky

1 Flats and was given an injection of what they told him was  
2 plutonium to see if he was allergic to it. Well, he now  
3 has interstitial pulmonary fibrosis and is on oxygen 24  
4 hours a day. And both of my sisters have had cervical  
5 cancer.

6                   And so we're dealing with residents that, over  
7 time, the problem will simply go away because they're  
8 going to die off because there will never be an  
9 appropriate epidemiological study of the exposed  
10 population and the workers that is not going to be part of  
11 the lies and coverup that will tell you what has really  
12 happened to this community and to these workers that  
13 deserve a hell of a lot better.

14                   And after that soapbox, I have to go over what  
15 I've prepared.

16                   Because of our involvement in the document  
17 research that we've done on this facility, over 100,000  
18 pages of technical documents, we were also the subject of  
19 harassment by DOE and various agencies. My sister has  
20 her steering wheel sawed through. She had a fake obituary  
21 put in the paper. Our mails were tampered with, our  
22 phones have been tapped, and the list goes on and on.

23                   So the culture of DOE's fascist policies of  
24 tracking whistleblowers and community continues, even to  
25 this day. It is still business as usual. There need to

1 be better assessment tests to determine radiological  
2 illnesses and secondary disease states related to that for  
3 workers and for residents that may have been exposed and  
4 affected.

5               DOE's and contractors' actions show their  
6 arrogance, disdain, and failure to appropriately and  
7 truthfully monitor the emissions and exposures to workers  
8 and community, and it reveals far more regarding our  
9 status as sacrificial lambs and expendable fodder for the  
10 DOE facilities than they have been willing to own up to  
11 the health issues. If DOE is unwilling to address worker  
12 issues, they will never address community issues, and  
13 there must be an accountability for past and current  
14 workers and community residents that are the exposed  
15 population.

16               I have people that couldn't be here tonight  
17 that wanted to come and testify to you regarding large  
18 populations of people in my generation that have  
19 dissolving joints. And there are many workers, male  
20 workers, that expressed to me serious issues about failure  
21 to be able to maintain testosterone levels in their  
22 bodies, even with supplementation of injections and  
23 patches, that their bodies just chew through it. So there  
24 are endocrine issues here as well as joints and cancers  
25 and other related radiological disease states.

1                   MR. KORKIA: Excuse me, Paula. I've given you  
2 two extra minutes. I'll give you one more minute to wrap  
3 up.

4                   MS. ELOFSON-GARDINE: Okay. Also the issue of  
5 fluorine exposures has not been well understood and the  
6 magnitude of releases has not been dealt with, and there  
7 needs to be better quantification of all materials that  
8 have gone through Rocky Flats via inventory and mass  
9 balance accountability. And that has been repeatedly  
10 denied.

11                  I have more comments but I can give them to  
12 you in writing. Thank you.

13                  DR. MICHAELS: Thank you.

14                  MR. KORKIA: Thank you, Paula.

15                  Next we have Ron DiGiorgia, and then Tom  
16 Palizzi. Is Tom here? Okay. I don't see Tom. How about  
17 Richard Rittenberg.

18                  VOICE IN AUDIENCE: Tom's here.

19                  MR. KORKIA: Okay. How about Richard, is he  
20 here? Okay.

21                  MR. DIGIORGIA: Thank you for the opportunity  
22 to come and talk to you tonight.

23                  I've sat here and listened to a lot of the  
24 people that have had some pretty sad stories. My father  
25 was an early Rocky Flats worker. He started with the

1 contractors that built 991 and worked all the way through  
2 that. He was a proud and patriotic soldier during World  
3 War II.

4                   As I became a young man, he encouraged me to  
5 come to work at Rocky Flats because he was proud of his  
6 patriotic duty to continually serve his country.

7                   My father passed away in 1979. He was  
8 diagnosed with emphysema, and I had many opportunities to  
9 talk to the doctors out at Rocky Flats and they feel  
10 pretty confident that it was acute berylliosis.

11                  I've tested positive. I'm a second-generation  
12 Cold War veteran, and I beg you to take our pleas back to  
13 the government. As a union, we've tried everything to try  
14 and get the attention of DOE, and I feel it's time. You  
15 know, you could hear some of these tear-jerking stories  
16 all night long, but we want you to take back the idea and  
17 the concept that it's time to support the Cold War  
18 veterans.

19                  I don't know, it was wonderful to see all the  
20 old-timers here tonight that I grew up with, and they're  
21 diminishing day by day. And I'm concerned about being a  
22 time bomb myself, as far as my health, and I think we all  
23 deserve to be treated fairly for our concerns in the  
24 future. And thank you for the opportunity to speak.

25                  DR. MICHAELS: Thank you.



1 MR. KORKIA: Thank you, Ron.

2 Tom Palizzi. Then Richard Rittenberg will be  
3 on deck.

4 MR. PALIZZI: Thank you for the opportunity to  
5 speak.

6 I'm overwhelmed at the people that came  
7 tonight. I'm also impressed that many of them have held  
8 back a lot of their stuff in an emotionally charged issue.

9 I've been at Rocky Flats, it will be 22 years  
10 in January. I started out as a janitor. I went to a lab  
11 tech, and in May of 1978 I took a machinist  
12 apprenticeship.

13 I worked in 444 building and many of the other  
14 buildings. The picture the gentleman had of the sub  
15 sandwich, I think my photo's in there. We did that at  
16 that time.

17 During my time in the beryllium shop, I kept  
18 pretty good notes. There were times when several of us --  
19 most of the people are dead at this time and never to be  
20 seen again -- but we would intentionally dope up a filter.  
21 We would never hear anything back, ever. And it wasn't  
22 just once. It was many more than once. We would never  
23 hear anything back.

24 After we never heard anything back after seven  
25 or eight months, I decided, well, Be is a little harder to

1 find. I moved down to the plutonium area. I took a job  
2 as an inspector, and I stayed there until the end of the  
3 Cold War and then went on to other things.

4 I worked in the production buildings at the  
5 Flats. Worked in most all of them as an inspector and as  
6 a machinist. In the hot building that I used to work in,  
7 we would get pits in for final inspection. We might have  
8 30, 35 at a time.

9 One of our concerns was our exposure to our  
10 head, our face. A health physicist came in -- I'm sorry -  
11 - an industrial hygienist came in at one time and said,  
12 Don't worry about it, your brain is not a vital organ. We  
13 thought this was a good joke. At that time I lost a lot  
14 of credibility, I lost a lot of hope.

15 Some of the health problems that I'm  
16 experiencing at this time, I have COPD. I've had that for  
17 several years. I'm on a "C" path. I've been on a "C"  
18 path for six years. From working in the gloves, I have  
19 TFCC on both sides. I had a proximal rear carpectomy on  
20 the left side. My next surgery will be a fusion on the  
21 right side with a clipping of the radial nerve. The fifth  
22 surgery will be a fusion on the left side with a clipping  
23 of the radial nerve.

24 I could file this under workers comp.  
25 However, I need to give an exact date of injury. I can't

1 give an exact date of injury. It wasn't that simple.  
2 They hurt. They hurt all the time. There's not much I  
3 can do about it. Also fibromyalgia. I think that a lot  
4 of the people in this room, when it comes down to it, a  
5 lot of their symptoms could be explained through that.

6 Are there easy answers? No. I'm glad that  
7 you're here to listen. I hope that you take back our  
8 concerns. If you want to see my records, I have them.

9 There was a lot of spills. There was a lot of  
10 things that was never written down. A contractor one time  
11 cut into a carbon tetrachloride line, but they cut the  
12 wrong line. They dumped over 1,000 gallons into a module  
13 and split. We're there at 4:00 in the morning and  
14 wondering how come the stuff's bubbling out of the drains.  
15 Somebody forgot. Oops. Things like that happened.

16 Anyhow, thank you for the opportunity. I hope  
17 that what we have said tonight will be heard and that  
18 someone will listen. We need some help, permanent help.  
19 Thank you.

20 DR. MICHAELS: Thank you, sir.

21 MR. KORKIA: Thank you, Mr. Palizzi.

22 Next is Richard Rittenberg, and then we have  
23 only two cards left so if there is anybody that has turned  
24 in a card other than Orlando Montoya and David Martin --  
25 are you both still here? Okay -- and then if there's

1 anybody else. We do have some that we have skipped over  
2 because they didn't answer previously so you may be in  
3 that list so just let us know.

4 Okay, Richard.

5 MR. RITTENBERG: Thank you. My name is  
6 Richard Rittenberg. I've been out at the plant site about  
7 15-1/2 years, which is really insignificant compared to  
8 some of these guys that have been out there twice as long  
9 as that.

10 I can't imagine how difficult it is for them  
11 to come here and in just a few minutes pick out some of  
12 the really weird and unusual things that go on out at the  
13 plant site all the time to discuss with you. Because it's  
14 hard for me to do it with just 15 years of experience.

15 When I first started at Rocky Flats, the first  
16 building I worked in was 444. And I asked my supervisors,  
17 What do I need to be careful of here, where are the  
18 hazards? This is the cold side. You're working with  
19 vanadium, stainless steel, aluminum, beryllium, and D-38.  
20 Well, isn't D-38 uranium? Well, sure, but it's depleted.  
21 Okay.

22 We would work with tens of pounds of D-38 on a  
23 daily basis until, in my case, fortunately, not too many  
24 months after I had been there, one of the radiological  
25 technicians walked by with an instrument turned on and we

1 pegged it. And he kind of glanced at it, kept going to  
2 where his job was, which was in the next inspection  
3 module.

4           Came back by after he completed his work, and  
5 as he passed me it pegged again. This time he stopped and  
6 he looked at me and he held the instrument up to me and it  
7 stayed pegged. I said, Don't move it, and I stepped aside  
8 and it continued to stay pegged. Underneath the bench I  
9 was working on were many pounds of these uranium parts,  
10 because that was a convenient place to store them, out of  
11 the walkways, and they were literally stacked in any  
12 convenient spot so that the center walkway was clear.

13           In my case, a safety concern filed resulted  
14 in, literally, the amount of individual pieces and,  
15 therefore, pounds of material that could be brought into  
16 those labs at any given time was established.

17           In the case of many of these gentlemen out  
18 here tonight, circumstances weren't so fortunate and they  
19 found out years after the problems, through their ongoing  
20 health problems when at that point the situations they had  
21 been in previously were so detrimental to them.

22           In 444, our inspection labs were immediately  
23 adjacent to the D-38 machine shop and the beryllium  
24 machine shop. Routinely, we visited both of those areas  
25 in the course of doing our regular work routines. We

1 handled beryllium on a regular basis, packed and unpacked  
2 it in the shipping boxes to go on to the next stage, next  
3 building, for months.

4               One Monday morning we came into work and there  
5 was gentlemen in the Be shop in white, tie-back suits,  
6 full respirators, cleaning the room. We queried as to  
7 what's going on, and we find out that there's been a major  
8 policy change and that the little foreman's office on the  
9 north end of the room is now going to be a type of an air  
10 line that would have a shoe container honeycomb put in and  
11 the blue-toed shoes that the guys wore in there would go  
12 into those and they would change into a different pair of  
13 shoes before they left the area.

14              And from that point on, respirators were worn  
15 while they were working. Prior to that, it was maybe a  
16 half mask, maybe a paper mask, or no mask at all. It was  
17 the way business was done.

18              Because of the distance I traveled tonight and  
19 I didn't get here in time, but I hope somebody talked to  
20 you gentlemen about the magic ropes they have on plant  
21 site currently. The yellow/magenta ropes that determine  
22 the RCA from an RBA that run down the center of a hallway  
23 or across the hallway. One side's contaminated and the  
24 other side's okay. It's okay to the point that when we  
25 get visitors in or subcontractors, the RBA hallway is okay

1 for street clothes, but on the other side, modesty  
2 clothing and ICs.

3 Unless you get a chance to come out and spend  
4 some time on the plant site and pretty much go where an  
5 older, experienced worker recommends and have an  
6 opportunity to spend more time than I'm sure you have  
7 available to do something like this, you're just not going  
8 to see the really scary and weird things that go on from  
9 time to time. Thank you.

10 DR. MICHAELS: Thank you.

11 MR. KORKIA: Thank you, Mr. Rittenberg.

12 We have Orlando Montoya, and our last card is  
13 David Martin.

14 MR. MONTOYA: My name's Orlando Montoya. I  
15 appreciate you giving me the opportunity to speak for a  
16 few minutes. And I used to be 6'6".

17 DR. MICHAELS: So was I.

18 MR. MONTOYA: Anyway, I started work out at  
19 Rocky Flats in November of 1966, and you can see what it's  
20 done to me.

21 But I'd like to go over a few things. When we  
22 first started to work out there, Richard was right, paper  
23 mask, half mask, and if it got real, real, real bad, you  
24 went supplied air. We didn't have full face.

25 Things progressed to get a little bit better

1 as they found out more. And what's surprising about it,  
2 as we found out more, to me, they did less for us, less by  
3 not standing up and saying, Yeah, we've made some mistakes  
4 in the past and we're going to go ahead and try to do the  
5 best job we can from now on. That means make sure you've  
6 got good medical, make sure that we're not going to study  
7 it to death, we're actually going to try treating it now.

8 I mean, that's the failure that we're dealing  
9 with right now. You've studied the hell out of me.  
10 You've had me for 30-some-odd years studying me. Now I'm  
11 coming down to the part of my life where I'm not going to  
12 get a lot stronger, I'm not going to get better health, my  
13 health is going to deteriorate, my body's going to  
14 deteriorate. That's the process of growing old and  
15 working in the radiation field for 30-some years.

16 Now, I don't know which one of them is going  
17 to happen faster, the radiation taking its course quicker  
18 than the age is setting in. I don't know. I do know that  
19 I've got some things that don't run in my family that I'm  
20 not going to say I got because of radiation because I'm  
21 not a doctor and I can't explain where I got it or how I  
22 got it, but I do know that nobody else in my family has  
23 some of these things. But I've got things that nobody  
24 else in my family has either that I got before I got to  
25 Rocky Flats.



1                   So the thing is, now that we know about some  
2 of the things there, we need to quit saying we're going to  
3 study it. We need to quit saying we're not responsible  
4 for it. We need to stand up like a good American, like  
5 the rest of us have, working out at that place, and say,  
6 Now it's time to say, yes, we made the mistakes, now it's  
7 time we're going to start working on them, we can't  
8 correct them but what we can do is maybe make the remedy a  
9 little bit better than it would have been without me  
10 having to take you to court and forcing you to do  
11 something for the sake of profit.

12                   Because Kaiser Hill's killing us. I just read  
13 a letter in the last couple of days that the glove box  
14 over-heat system doesn't need -- the chimes on the glove  
15 box over-heat does not need to be loud enough for the  
16 people in the area to hear. That's bullshit. I need to  
17 hear it so I don't breathe the fire that's going on, I  
18 don't breathe the ash, the plutonium, and stuff that comes  
19 off it. We know that there's fires in those areas.

20                   We know that in the next couple of years we're  
21 probably going to have some serious accidents because we  
22 shut that plant down in a manner that should never been  
23 allowed to happen. Shut it down, don't flush the lines,  
24 don't clean it up, don't do what you have to to bring it  
25 to a safe configuration. And they can tell you what they

1 want. I know better. I live it, I work it, I'm there  
2 every day.

3                   So I'm telling you, we need to correct that.  
4 And we need to stop having DOE stand-downs, DOE meetings,  
5 and live with the information that we've given you  
6 already. We've talked to you on numerous occasions in  
7 this building alone on some of the things that are wrong.  
8 We've given you sheets and sheets of things, problems,  
9 situations, corrections that should be done that are never  
10 done.

11                   They cost, they're really time consuming, and  
12 you don't deal with this. You give us lip service: we're  
13 studying, we're studying. Well, it's time to quit  
14 studying and it's time to go out. Yes, we're going to  
15 make a few mistakes. Yes, we're going to have some  
16 situations that maybe we could have avoided, but I think  
17 moving forward is a hell of a lot better than punishing  
18 the 1,800 of us that are left out there and the 1,800 or  
19 so that have already gone, and many of them have passed  
20 away.

21                   I think we need to show everybody that this is  
22 what we're all about. This is what we really want to do,  
23 and we're concerned not just with the people at Rocky  
24 Flats but the people that live in the neighborhood, the  
25 people that have supported us for years and years. I

1 think that's what we need to do. I think that's where we  
2 start.

3 No more hearings. You guys have enough  
4 medical information, you have enough little meetings like  
5 this, written, copied, taped, videoed, that you need to  
6 deal with us now, honestly, truthfully, and with justice.  
7 Thank you for your time.

8 MR. KORKIA: Thank you, Mr. Montoya.

9 And we have David Martin.

10 MR. MARTIN: My name is David Martin. I've  
11 been out at Rocky Flats for approximately 20 years. I was  
12 hired in as a machinist. Had a lot of different careers  
13 out there. I've worked in just about every building out  
14 there that had a machine shop.

15 I spent about 15 years in Building 444, which  
16 has been brought up a lot tonight. I'm very intimate with  
17 the building. In fact, I'm in charge of the building  
18 right now. They do say it's a cold building. It's  
19 anything but that.

20 And I was very happy to hear the one attorney  
21 talk about coverup. In 1980 through '83 I worked in the  
22 beryllium shop. All the stories are correct. I ate and  
23 drank my coffee in there with zero personal protective  
24 equipment.

25 A year ago we found a book in my building,

1 "The Beryllium Metal," dated 1955, authored by the  
2 Department of Energy or Atomic Energy Commission. We were  
3 told repeatedly in the early '80s that beryllium was not a  
4 hazard, don't worry about it. There's refutable evidence  
5 that the government knew about beryllium, did nothing to  
6 protect us.

7                   1982 they finally started putting us in half  
8 masks, but production being what it was, they need two  
9 more T-base lathes to machine stainless steel so they  
10 built a wall in the beryllium shop, 8 feet tall, no roof.  
11 They said, Don't worry, beryllium won't go over an 8-foot  
12 wall. We were still allowed to eat and drink in this  
13 little enclosure within the beryllium shop. We kept  
14 wiping our hands on the parts in there and there was dust.  
15 Yeah, it was beryllium dust going over 8-foot walls. So  
16 even after they put us in half masks, we were still  
17 exposed to beryllium in there. Enough on that issue.

18                   Currently, I think the safety, they talk about  
19 it a lot but the way they pay the contractors out there  
20 now, they just took my industrial hygienist. I have got  
21 the most beryllium-contaminated building on the plant  
22 site. I had a full-time industrial hygienist. Due to  
23 budgets, I only have one half the time now. I've got to  
24 share him with another building because of budgets,  
25 Because there's so much contamination in 444, I feel they

1 ought to fund a full-time beryllium-qualified industrial  
2 hygienist in my building. He's done a heck of a job so  
3 far, and now is no time to pull him out and put him there  
4 half time. He needs to proceed forward from where we are.

5           In the building I've got 11 MSDS books, about  
6 4 inches thick. There's over 5,000 chemicals in Building  
7 444 over the past years. We machined parts with  
8 trichloroethane with 55-gallon drums of it in Building  
9 460. We used freon, 55-gallon drums of it, pure freon in  
10 coolants on machines.

11           We don't know what we were exposed to out  
12 there, and I have no doubt that there's been a massive  
13 coverup of stuff at Rocky Flats, and I'm sure the  
14 government has spent billions of dollars covering it up.  
15 Now they need to spend a little bit of money and own up to  
16 the fact that they have been covering up, change the way  
17 they're managing that plant right now. Safety should be  
18 No. 1, and I've taken it because I've shut down jobs that  
19 I believe are unsafe. I'm in a position to shut down jobs  
20 I don't feel are safe, and I will continue to shut down  
21 jobs that i don't feel are safe.

22           You need to take back that we all have been  
23 exposed to God knows what out there and we need some sort  
24 of compensation for the rest of our lives. Thank you.

25           DR. MICHAELS: Thank you.

1 MR. KORKIA: Thank you, Mr. Martin.

2 That was the last card, but I do have some  
3 cards that the individual was not here when I called them.  
4 Is there anybody left that had turned in a card who has  
5 not spoken yet tonight?

6 Okay, sir, what's your name?

7 MR. TURNER: James H. Turner.

8 I have chronic beryllium disease. I cough a  
9 lot, but I'll try to hold it as much as I can, you know.

10 I started working at Rocky Flats April 1,  
11 1968. Something rang in my head because that was All  
12 Fools Day. That's when I started working there. I worked  
13 until January 14, 1994. And I'm here to testify regarding  
14 my work-related illness, chronic beryllium disease  
15 (inaudible) with workers compensation.

16 In 1990, I was diagnosed with chronic  
17 beryllium disease. I filed a workers compensation claim.  
18 It was denied. I went to the union and I talked to the  
19 union, I said, What do you think I should do, do you think  
20 I should fight or what? Mr. (inaudible) Robins was the  
21 representative at that time. And he said, Well, Turner,  
22 he's not going to do anything for you, you people that  
23 have CBD, unless they're forced to do it.

24 So I said, Well, maybe I'll get me an  
25 attorney. The attorney that I had was Mr. Goldhammer,

1 which was here earlier, and we went to court. I won my  
2 claim. Okay, DOE and EG&G appealed it. They had a doctor  
3 for a witness and paid him about three-hundred-some  
4 dollars an hour to testify against me that said I didn't  
5 have chronic beryllium disease; they said I had a lot of  
6 other problems (inaudible) but I was deconditioned from  
7 lack of exercise.

8                   After that, we went to court. They ruled in  
9 my favor again. Okay? But the more that I was confused  
10 was like giving (inaudible) to the attorney. And I won.  
11 And I said, Gee, why is it that they're going to fight me?  
12 They had some of the most experienced doctors in the  
13 country at National Jewish to do studies on the workers  
14 for Rocky Flats and, to me, it just didn't make sense. I  
15 think they've spent like \$17,000 for my little old, measly  
16 case.

17                   To me, it was like, Turner, we're going to  
18 make an example of you so that all the other workers that  
19 come after you, they'll say, Well, gee, look at Turner's  
20 case, maybe we best keep working, at least we have a job,  
21 Turner don't have a job.

22                   Turner is an old country boy. Like the song  
23 said, A country boy can survive. It's been hard on me but  
24 I'm still here, and I'm here to testify that DOE and the  
25 company that runs Rocky Flats shouldn't fight the workers.

1 They should compensate the workers and, you know, just  
2 take care of us.

3 I'm not bitter about it. I'm patriotic. I  
4 remember when I started working at Rocky Flats, I didn't  
5 know exactly what I was getting into but it was a job that  
6 had good benefits, you know, meat on the table. Also,  
7 being patriotic I said, you know, I'll help (inaudible).

8 To me, having chronic beryllium disease, they  
9 put me in one of the worst buildings on the plant side:  
10 Building 771. They told me, Turner, they said, We've done  
11 all we can do. This is when DOE was kind of helping me.  
12 They said, We've done all that we can do for you right  
13 now. They said, We checked all over the building for  
14 beryllium, we don't want to put you in none of these  
15 buildings and Building 771 don't have beryllium in it. I  
16 said, What does it have? They said, Plutonium. I said,  
17 What are you trying to do, get rid of me? They said, No,  
18 that's the job you're going to have to go to and you'll be  
19 on the p.m. shift and you will have to, you know, you'll  
20 work that shift.

21 And I said, If I'm going to have to go to  
22 (inaudible) I have a little small car, I said, I'll just  
23 fill it up with gas, I said, I'll drive all the way to  
24 Washington, I'll sit on the steps out there and somebody  
25 will say, Turner, why are you here, and I'll tell them why



1 I'm here.

2 So after that there was a meeting set up.  
3 They had a meeting, the government and the union, to  
4 decide what they were going to do with me. So they decide  
5 to leave me in the (inaudible) department, which I was in.  
6 Okay? That's the reason I got harassed, I was  
7 intimidated. It was just unbelievable.

8 And I won't keep going on because I did get  
9 upset and so on. That's part of my story. You have the  
10 rest of it.

11 DR. MICHAELS: Thank you, sir.

12 MR. KORKIA: Thank you, Mr. Turner.

13 MS. BROWN: May I make one comment, just one?

14 MR. KORKIA: I'll grant you one minute. We're  
15 running on 10:30 and they really want to go.

16 MS. BROWN: One final statement. My  
17 contention is this: we, as workers at the Rocky Flats  
18 nuclear weapons facility, were entrusted to keep our  
19 national security, those secrets on weapons designs, et  
20 cetera. We are proud to fulfill our part of that. For  
21 then and for always, we were entrusted to keep those  
22 secrets.

23 Why can't the Department of Energy keep its  
24 commitment for upholding our lifetime medical benefits?

25 MR. KORKIA: Janet, for the record, would you

1 please give your name just so the court reporter will get  
2 that?

3 MS. BROWN: Janet Brown.

4 MR. KORKIA: Thank you.

5 DR. MICHAELS: I'd like to thank you all for  
6 your patience, staying so long. It's humbling to listen  
7 to your stories, and I hope, together, we can make some  
8 progress and solve some of these problems. Thank you  
9 again.

10 MR. KORKIA: Thank you all for coming this  
11 evening and for staying so late. Thanks.

12 (Whereupon, at 10:30 p.m., the meeting was  
13 adjourned.

14

15

16

17

18

19

20

21

22

23

24

25

## 1 CERTIFICATE

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

I do hereby certify that the foregoing is a  
true and correct transcript of the proceedings taken by me  
in this matter on December 15, 1999, and carefully  
compared with my original stenographic notes.

---

Kathy R. Bazz

Official Reporter